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Specimens

OF

IRISH ELOQUENCE,

NOW FIRST

ARRANGED AND COLLECTED,

WITH

BIOGRAPHICAL NOTICES,

And a Preface.

BY

CHARLES PHILLIPS, ESQ.

BARRISTER-AT-LAW.

Illustrated by Portraits.

"CURSE OF SWIFT was upon them—THEY WERE IRISHMEN."

GRATTAN.

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DEDICATION.

TO THE

HONORABLE CÆSAR RODNEY,

Late Attorney General to the United States of America,

Commissioner to the Spanish Provinces, &c. &c.

DEAR SIR,

IT is now nearly four years since you were so kind as to cheer the literary efforts of one who was altogether personally unknown to you, and who sensibly feels how feeble were his claims to such condescension from such a character. May I beg of you to impute my silence on the subject to any thing rather than a spirit of ingratitude, and to believe, that in requesting you to accept the dedication of this volume, I mean rather to acknowledge than repay the obligation. The voice of encouragement from a distant

hemisphere—from an utter stranger—and that stranger amongst the eminent of his nation, might excuse some sentiment of vanity even in the most modest. In the young Irish candidate for distinction, perhaps the excuse might be carried even to indulgence. Indeed there are few countries in which such an aspirant has so much to encounter. Our aristocracy (the natural patrons of a nation's genius) have been provincialized into the very worst kind of partizanship—into a struggle—not for honours or principle, but for the sordid emoluments and rancorous exercise of official station, and this contention, branded as it is, by every bad passion, presents no one feature of agreement save an upstart family conceit, a very stupid, a very ignorant, and a very unfounded self-appreciation. Between these precious factions Ireland is partitioned—they scrutinize every probationer—they tempt every profession—and if the adventurous candidate for honourable fame disdains to subscribe himself as the retainer of the one, or the brawler of the other, he is proscribed for sacrifice by the conspiracy of both—denounced as a rebel by the slaves in

place, and as an helot by the slaves in expectancy. Such is, with but very few exceptions, the state to which foreign gold and native improbity have reduced this once prosperous and independent country! A solemn warning to the nations of the earth, that when they once barter that priceless independence, the very blessings of heaven will become a curse and a degradation—their spirit will sting them with a scorpion restlessness—and the genius which survives their fall either wander a mendicant upon distant bounty, or flash its fitful and sepulchral gleam upon the corruption into which they have degenerated. What a frightful picture—what a fiery ordeal for honourable ambition! Alas! if the spirit should not faint, or the heart break in the process, what a reflection is it for the ardent mind, that perhaps, at the close of a calamitous career, some generous few may balance with a posthumous eulogium on its talents, the cruel penalties inflicted on its principles. This is a very painful subject, yet I am not sorry it suggested itself—it naturally associates the fame of that republic where so many of *my* countrymen have found a re-

fuge, and where *your's* have proved their noble title to liberty not more by the valour with which they extorted, than by the spirit with which they are extending it. The framers of her constitution have made it an incident almost peculiar to America, that the whole world has an interest in her prosperity. With her, industry is the only wealth—virtue the only claim—talents the only distinction—religion teaches her that all its varieties of sect have one common parent, and her wisdom feels that no traitorous ascendancy should exclude him, who bears the burthens, from a share in the benefits of the constitution. It is both morally and physically impossible that such a people should not prosper—in fact, every hour of freedom has been either consolidating their strength or contributing to their glory; and it has been a magnificent rebuke to the despotic scoffers who would have unplumed their eagle, that when they might have felt its vengeance, they found its protection—the exiled aristocrat has kissed your shore, and the unsceptred puppet of European royalty, knelt for sanctuary at the tomb of Washington. That the valour of their arms

may guard the independence---the wisdom of their rulers economize the resources, and, the fraternity of their people for ever consolidate the union of your states, is not only my prayer, but that of all my countrymen who are not at once slaves to the powerful and tyrants to the poor.

You will perceive, my dear sir, even from this volume, that some Irishmen were formed for immortality---men, worthy of a better day than that in which they lived, and destined, perhaps, though not to save their country, yet to teach their children the principles of its redemption. Let it become the manual of your young Americans, that, when their cheeks redden and their hearts burn at the treachery which betrayed us, their humbled nature may find some consolation in the memory of those whose poverty could not be bought, and whose ambition could not be corrupted.

I have the honour to be,
DEAR SIR,
Your's, very sincerely,
CHARLES PHILLIPS.

99, Grafton Street, Dublin,
December 1, 1818.

PREFACE.

THE malignant prejudices of a northern critic, so self-sufficiently pronounced against the Irish school of eloquence, determined me upon collecting such materials as might give the impartial an opportunity of judging for themselves. In doing this I am solely influenced by a paramount affection for that country which has been thus exposed to the most unmitigated defamation. I take up with pleasure the gauntlet which has been flung down, and in asserting the oratorical equality of Ireland with either England or Scotland, taken individually, I refer to the present Volume as my proof, and boldly challenge the production of another which can bear the comparison. A ridicule of the Irish character—an exposure of its faults, and al exaggeration of its foibles, became of late years a kind of national coxcombry which was at once too conceited to learn, too igno-

rant to argue, and so hopelessly prejudiced as to defy correction. Whatever might have been their differences upon other points, whenever Ireland became the topic, all parties, like the ancient Romans on the approach of an enemy, agreed upon a temporary coalition. Our northern neighbours, contrary to their usual rule, joined in the spoliation which afforded no gain, and honest John Bull, supercilious towards every country but his own, in such a cause forgot his nature and at obvious hazards *shook hands with the Scotchman.* Ireland became the Bœotia of the empire—her Pindaric beam blazed in vain upon the blindness of prejudice, and her modest virtues, her hospitality as ardent as her chastity was austere, could find no source except in "an imperfect civilization." If such had really been the character of a people so calumniously misrepresented—if their minds had been so uneducated, and their hearts so depraved, perhaps it might not be without its moral to enquire whether they formed an anomaly in the scheme of Providence, or whether their errors sprung from the fatuity of misgovernment—perhaps, after all, the audacious impiety of the accusation might

resolve itself into the culpable impolicy of the accuser. But we need not stoop to the humiliation of such an enquiry. Amid the din of this ungrateful jargon, we need only ask, to whom at this moment owes the senate, its eloquence; the army, its leader; the council, its representative; or the stage its most natural personification of the passions? If the comparison be thus forced on us, in the appropriation of the national character, we shall substantiate our claims to far more than our territorial apportionment.

The recent political connection of the countries rendered the peculiarities of each an object of more than usual interest to the other, and, of course, whatever struck most by its novelty or its boldness was naturally subjected to a proportionate criticism. The transfer of the Irish parliament brought more immediately under the English eye, the eloquence which had so characterized that assembly and convinced England that the style which had enchanted her in BURKE and in SHERIDAN was not so much an individual deviation in them as in some sort an appendage to their nativity—a kind of *mental complexion* distinguishing their origin and

derived at once from their country and their ancestors.

The harmony of the Irish system had been disturbed, and as its affrighted orbs shot one by one through the political firmament, their brilliant aberrations were the alternate theme of amazement or condemnation. In the latter class the most plaintive and the most pitiable were the seers of Scotland—it was no wonder —their northern lights were dimmed by the excessive splendour, and every little purblind sans culotte philosopher who could not see through the cloud of his mountain prejudices announced an eclipse or foretold a conflagration! The alarm was raised and the national taste was more than endangered, forsooth, by the barbarous corruption of the Irish style. That this style is peculiar there is no doubt, and so is every style in the fine arts which has distinguished any individual nation—thus we speak of the German drama—the Italian music—the Flemish painting—and, in short, of each combination of national characteristics, which, in their respective branches, forms what we technically called *a school.* But is this individuality a reason for condemning the pretensions of genius?

Certainly not, with any candid mind. Those pretensions should only be judged by their practical effect, and to this standard I submit without reservation the claims of Ireland to the meed of eloquence.

In the series of great masters, some of whose fragments I have here collected, there will be found evident traces of a common origin. The same lofty sentiment—the same wildness of imagery—the same impassioned declamation—the same power either of the pathetic or the humourous—the same absolute mastery over the human heart, to which, indeed, rather than to the judgment, they frequently apply themselves. This is one of their undeniable peculiarities—persuasion rather than conviction is their usual object, but both are the legitimate means of oratory, and perhaps if one was compelled to decide between them, the first would be considered both as the more effective and the more natural—much of course depends on the occasion, but on every human topic, man will be found most defenceless on the side of his passions. Such is the too true and pitiable condition of humanity.

Another peculiarity, and one indeed which

has been most condemned is, the continual recurrence of imagery. No doubt the abuse of this, like all other abuses, is censurable, but still its exercise, even in the extreme, is very fascinating, and few who have been in the habit of attending public meetings can deny its effect. The untutored heart speaks in imagery—it is the first language of a nation's infancy, and like every thing attached to infancy, it retains a charm—it is the vocabulary of nature, and until man be so hardened and polished that nature's weapons must rebound from him, it will not plead in vain. Indeed the very face of nature itself must be changed ere the genius of Ireland ceases to express itself in imagery—it opens its infant eye upon the wildness of Creation, the romantic and the magnificent identify themselves with its imagination, the mind never can reject their association, and resorts for the illustration of its more matured ideas to the rock, and the torrent, and the mountain with which its childhood had been familiar.

The grand mistake into which our modern critics have fallen, upon the subject of eloquence, has been in subjecting to the same rules the essay composed to be read and the

speech arranged to be delivered. No two things in the world can be more opposite. What might appear extravagant in the one is chaste in the other, and the allusion studiously suited to inflame the delirium of a crowd must appear wild and rhapsodical in the seclusion of the closet. The scene—the surrounding objects—the materials to be worked—the end to be obtained and the means to be used are all different. The reader, in the silence of retirement, sees nothing but his book and may pause for observation at the close of every period—the hearer, on the contrary, all eye and ear, hurried away by the rapidity of his feelings, and heated by the sympathy of his associates, has no time to criticise the evanescent image, which, delighting him at the moment, may owe its whole success to the tone in which it is uttered, or the gesture that accompanies it. The critic, therefore, who analyzes a speech ought not, in my mind, to require so much a permanent effect as a momentary attainment. If the object of the orator be answered, his task is ended, and it can detract nothing from his merit to say he has triumphed by means which the cooler judgment cannot sanction. His instru-

ment may be the most fantastic or extravagant—he may terrify by a phantom—delude by a sophism, or mislead by an airy and unsubstantial meteor: the question is not, were they intimidating, visionary and delusive, but were they such as might achieve his victory. This may not square with the rules and ordinances by which, according to closet criticism, perfection is to be adjusted; but true genius rejects their application, and the literary Procrustes, who would torture it to any prescribed dimensions, will rarely find it survive the operation. The efforts of the orator, like the efforts of the dramatist, tend to the production of a public effect rather than to the satisfaction of a syllable-weighing pedantry.—With such a censor CURRAN is too wild, and Demosthenes too studied, and Shakespeare, speaking with the tongue of nature, a victim to the *Unities*.

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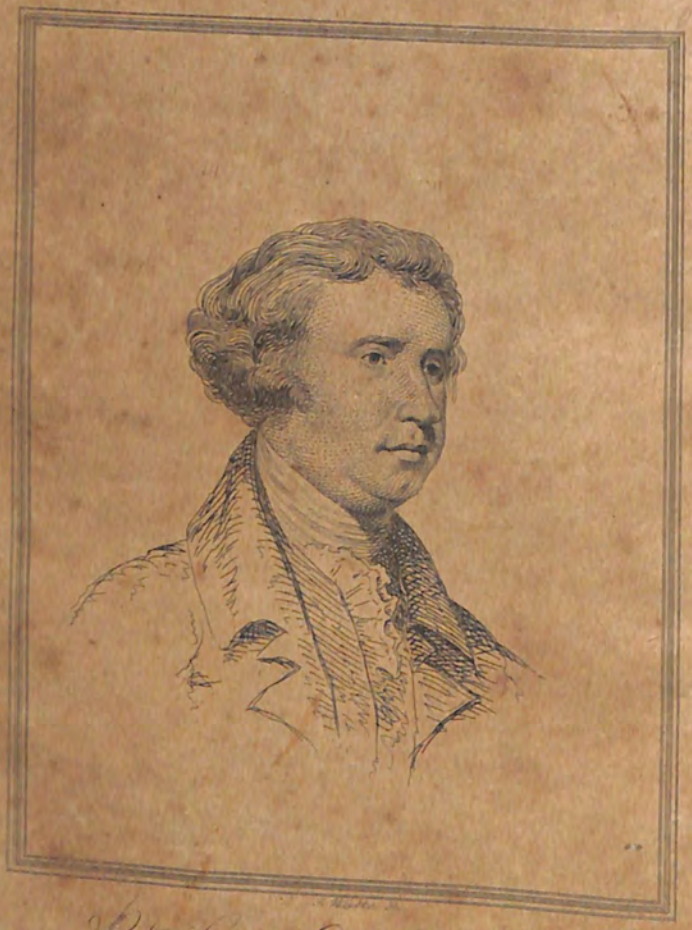

Rt Hon.ble Edmund Burke

MR. BURKE.

EDMUND BURKE* was born in Dublin on the first day of January 1730; commenced his education at Ballytore, in the county of Carlow, and completed it in the University of Dublin. Having finished his academical studies, he applied for the then vacant logic chair of Glasgow, but being disappointed he repaired to London and entered himself as a law student on the books of the Middle Temple. While there, his principal support was derived from his contributions to the periodical publications of the day; however,

* A friend has suggested the possibility of Ireland's being denied the credit of Burke, because he did not reside in the country. Burke was twenty-three years old before he left his native land and regularly visited it once a year for forty years after. However, the idea is ridiculous. We may as well be denied the honour of Barry, because his paintings are confined to the Adelphi, or of Lord Wellington, because his glory was acquired in the Peninsula. Will England resign her claims to Howard and the Duke of Marlborough, or will our Edinborough friends contend that emigration is a bar against nativity? Alas! if so, upon how few *wise men* can Scotland calculate. Perhaps, however, there is not, in every point of view, a more unadulterated specimen of the Irish school than Mr. Burke. He was *peculiarly* an Irishman.

on the appointment of the celebrated Single Speech Hamilton to the secretaryship of Ireland, he accompanied him with a pension of three hundred pounds a-year. On his return to London, his writings introduced him to the Marquis of Rockingham, through whose interest he was first returned to parliament for the borough of Wendover, in Buckinghamshire. The events of his long political life are recorded in the history of the country to which he devoted his time and talents. Public men have, of course, viewed his conduct through the medium of their principles, but whatever may have been the diversities of opinion as to his consistency, there have been none as to the amazing strength of his mind and splendour of his eloquence. The Speech which I have selected as the most characteristic specimen of his genius is that which he pronounced on the necessity of conciliating America. Fatally for England, but fortunately for the world, his advice was rejected, and the persecuted colony has sprung into a noble republic, in whose example the crimes of Europe find a corrective and its afflicted virtue an asylum. Mr. Burke died in July 1797, and was, by his own desire, privately interred in the church of Beaconsfield.

IRISH ELOQUENCE.

Mr. Burke's Resolutions for Conciliation with the Colonies.

ON the order of the day being read,

Mr. Burke rose and addressed the House as follows:

I hope, Sir, that notwithstanding the austerity of the chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House*. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill,

* The act to restrain the trade and commerce of the provinces of Massachuset's Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations.

which seemed to have taken its flight for ever, we are at this very instant nearly as free to choose a plan for our American government, as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were, by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject; or there is none so on this side of the grave. When I first had the honour of a seat in this House, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains, to instruct myself in every thing which relates to our colonies. I was not less under the necessity of forming some fixed ideas, concerning the general policy of the British empire. Something of this sort seemed to be indispensable; in order, amidst so vast a fluctuation of passions and opinions, to concenter my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period, I had the fortune to find myself in perfect concurrence with a large majority in this House.—Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation in my

original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard any thing approaching to a censure on the motives of former parliaments to all those alterations, one fact is undoubted; that under them the state of America has been kept in continual agitation. Every thing administered as a remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper, until, by a variety of experiments, that important country has been brought into her present situation;—a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member (Mr. Rose Fuller) of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me, things were come to such a pass, that our former methods of proceeding in the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every proposal of lenity as weak and irresolute. The

public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected, that those who for many years had been active in such affairs should shew that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground, which might be laid for future and permanent tranquillity.

I felt the truth of what my honourable friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more; and that things were hastening towards an incurable alienation of our colonies; I confess my caution gave way. I felt this, as one of those few moments in which decorum yields to an higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what, in other circumstances, usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are, by what you ought to be, I persuaded myself that you would not reject a reasonable proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that, if my proposition were futile or dangerous; if it were weakly conceived, or improperly timed, there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negociations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course, and in its ordinary haunts—it is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion, and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendour of the project, which has been lately laid upon your table by the noble lord in the blue ribbon*. It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finances where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments, beyond all the powers of algebra to equalize and settle.

The plan, which I shall presume to suggest, derives, however, one great advantage from the proposition, and registry of that noble lord's project. The idea of conciliation is admissible. First, the House in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone farther; it has declared conciliation admissible, *previous* to any submission on the part of

* Resolution moved for by Lord North in the committee; and agreed to by the House, Feb. 27.

America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it; something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavour to shew you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming, that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honour and with safety. Such an offer, from such a power, will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two. First, whether you ought to concede; and, secondly, what your concession ought to be

On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because, after all our struggle, whether we will or not, we must govern America, according to that nature, and to those circumstances; and not according to our own imaginations; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and colour; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions,

we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will shew you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage, and provoked with little danger. It will prove, that some degree of care and caution is required in the handling such an object; it will shew that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago and with great ability, by a distinguished person, at your bar*. This gentleman, after thirty-five years — it is so long since he first appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of

* Mr. Glover.

erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject it is impossible that it should not make an impression upon you.

I have in my hand two accounts; one a comparative state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772. The other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector general's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America, and the West Indies	£483,265
To Africa	86,665
	569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America, and the West Indies	£4,791,734
To Africa	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence	364,000
	6,022,132

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve-fold. This is the state of the colony trade as compared with itself at these two periods, within this century;—and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England, including that to the colonies in 1704	£6,509,000
Export to the colonies alone in 1772	6,024,000
Difference	485,000

The trade with America alone is now within less than 500,000*l.* of being equal to what this great commercial

nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented; and augmented more or less in almost every part to which it ever extended; but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one-twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis; or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within 68 years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus.*—Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate

men of his age, had opened to him in vision, that, when, in the fourth generation, the third prince of the house of Brunswick had sat twelve years on the throne of that nation, which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, lord chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to an higher rank of peerage, whilst he enriched the family with a new one;—if amidst these bright and happy scenes of domestic honour and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him—"Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, shew itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilising conquests and civilising settlements in a series of 1,700 years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it! Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts, I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single pro-

vince of Pennsylvania. In the year 1704, that province called for 11,459*l.* in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was 507,909*l.* nearly equal to the export of all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could shew how many enjoyments they procure, which deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed—but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past, the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full

breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit, by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay, and Davis's Streights, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line, and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of

manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt, and die away within me. My rigour relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted, in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management, than of force; considering force not as an odious but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed, which is perpetually to be conquered.

My next objection is *uncertainty*. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, concili-

ation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms, by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I did not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict, and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence. These, Sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce,—I mean its *temper and character*.

In this character of the Americans, a love of freedom is

the predominating feature which marks and distinguishes the whole; and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation, which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you, when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not

only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must in effect themselves, mediately or immediately possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered in twenty other particulars without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error, by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary

government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If any thing were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people, is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favour and every kind of support from authority. The church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the diffidence of dissent; and the Protestantism of the Protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the church of England, notwithstanding its legal rights, is in

reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high; and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because in the southern colonies the church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the

Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number ot the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and learned friend on the floor (the Attorney General) who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it

is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur mis-government at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance, in weakening government. Seas roll, and months pass, between the order and the execution: and the want of a speedy explanation of a single point, is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of nature? Nothing worse happens to you, than does to all nations, who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his

centre, is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed, as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources; of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilcable to any ideas of liberty, much less with theirs, has kindled this flame, that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired more reconcileable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded, that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. But the question is, not whether their spirit deserves praise or blame;—what, in the name of God, shall we do with it? You have before you the object: such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may

give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already? What monsters have not been generated from this unnatural contention? Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is, to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit, the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated

directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order, in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind, as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachuset. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us, that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely over-rule those we had considered as omnipotent. I am much against further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home, by this loosening of all times, and this concussion of all established opinions, as we do abroad. For, in order to prove, that the Americans have no right to their liberties,

we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest enquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are—to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three.—Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear, by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in

both Houses, by men of weight, and received not without applause, that, in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Apalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander, without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government, by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an

endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shewn a disposition to a system of this kind; a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence, as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in

her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character, which prevail in our colonies, are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation, in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale, would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion, as their free descent; or to substitute the Roman Catholic, as a penalty; or the church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the old world; and I should not confide much to their efficacy in the new. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from the courts of law; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their

slaves.' This project has had its advocates and panegyrits; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too; and arm servile hands in defence of freedom? A measure to which other people have had recourse more than once; and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? From that nation, one of whose causes of quarrel with those masters, is their refusal to deal any more in that inhuman traffic? An offer of freedom from England, would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. "Ye gods, annihilate but space and time, and make two lovers happy!"—was a pious and passionate prayer;—but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If then, Sir, it seems almost desperate to think of any

alterative course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcileable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects, as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts as *criminal*.

At this proposition, I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissentions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow creatures, as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar*. I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think, that for wise men this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head: whether this head be a monarch,

* See Howell's State Trials, vol. ii. p. 7. *et seq.*

or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges, and the supreme common authority, the line may be extremely nice. Of course disputes, often too very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather *ex vi termini*, to imply a superior power. For to talk of the privileges of a state or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels, among the component parts of a great political union of communities, I can scarcely conceive any thing more completely imprudent, than for the head of the empire to insist, that, if any privilege is pleaded against his will, or his acts, that his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinction on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess, that the character of judge in my own cause, is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in

my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour would not put me much at my ease in passing sentence; unless I could be sure that there were no rights which, in their exercises under certain circumstances, were not the most odious of all wrongs; and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as criminal judge, on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me, that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachuset's Bay, as they had formerly addressed to have traitors brought hither under an act of Henry VIII. for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shews how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder.—What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which by land and sea is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open, but the third and last—to comply with the American spirit as necessary; or if you please to submit to it, as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in a parliament, in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the

right of taxation. Some gentlemen startle—but it is true: I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the "great Serbonian bog, betwixt Damiata and Mount Casius old, where armies whole have sunk." I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me, I may do; but what humanity, reason, and justice tell me, I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they,

when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is stedfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity, to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as a matter of right, or grant as a matter of favour, is *to admit the people of our colonies into an interest in the constitution;* and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to shew, that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced, that this was the intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman (Mr Rice) of real moderation, and of a natural temper so well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse, whenever I hear it: and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege, that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord (North) in the blue ribband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes: when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed,

or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, Sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times, they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or, that the giving way in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter and the fewest of all on trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Ame-

ricans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. Surely it is preposterous at the very best. It is not justifying your anger, by their misconduct; but it is converting your ill-will into their delinquency.

But the colonies will go further. Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of the conciliatory conduct? Is it true, that no case can exist, in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there any thing peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience; they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavoured to put myself in that frame of mind, which was the most natural, and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us

the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs shewed, that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modelled according to the present form, is disputed among antiquaries. But we have all the reason in the world to be assured, that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure, that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood. The roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the

consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shews beyond a doubt, that the refusal of a general communication of these rights, was the true cause why Ireland was 500 years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pen-

sioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander in chief at present, to whom all civil power is granted, as secondary. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restiff, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but with still more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where

one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute-book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands—a fine body of precedents for the authority of parliament and the use of it!—I admit it fully; and pray add likewise to those precedents, that all the while, Wales rid this kingdom like an *incubus;* that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not until after 200 years, discovered, that by an eternal law, Providence had decreed vexation to violence; and poverty to rapine. Your ancestors did however at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured: and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the 27th year of Henry the Eighth, the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous; that eight years after, that is, in the 35th year of that reign, a complete and not ill-proportioned representation

by counties and boroughs was bestowed upon Wales by act of parliament. From that moment, as by a charm, the tumult subsided; obedience was restored; peace, order, and civilization followed in the train of liberty.—When the day-star of the English constitution had arisen in their hearts, all was harmony within and without—

"Simul alba nautis
"Stella refulsit,
"Defluit saxis agitatus humor:
"Concidunt venti, fugiuntque nubes:
"Et minax (quòd sic voluere) ponto
"Unda recumbit."

The very same year the county palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others, and from thence Richard the Second drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you.

"To the king our sovereign lord, in most humble wise shewn unto your excellent majesty, the inhabitants of your grace's county palatine of Chester; that where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country: (2.) And for as much as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness, and

your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight nor burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."

What did parliament with this audacious address?—Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman?—They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principles to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated, that freedom and not servitude is the cure of anarchy: as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester, was followed in the reign of Charles the Second, with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and without affecting the abstract extent of the authority of parliament, it recognizes the equity of not suffering any considerable district, in which

the British subjects may act as a body, to be taxed without their own voice in the grant.

Now, if the doctrines of policy contained in these preambles, and the force of these examples in the acts of parliaments, avail any thing, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry VIII. says, the Welsh speak a language no way resembling that of his majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000: not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighbourhood: or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*—I cannot remove the eternal

barriers of the creation. The thing in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident, have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths: not to the Republic of Plato; not to the Utopia of More; not to the Oceana of Harrington. It is before me—it is at my feet, "*and the rude swain treads daily on it with his clouted shoon.*" I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you as best; and in which you walked with security, advantage, and honour, until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America, by *grant* and not by *imposition*. To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had *a dutiful and beneficial exercise*; and that experience has shewn the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply*.

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you together, with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution—"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others to represent them in the high court of parliament."—This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

The second is like unto the first—"That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies, given, granted, and

assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament.—"Non meus hic sermo, sed quæ præcepit Ofellus, rusticus, abnormis sapiens." It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country.—I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers; where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words; to let others abound in their own sense; and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right, will deny to contain matter of fact, as applied to the present case; although parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes

but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the high-way, it is not the two-pence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favours, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all, either wholly repealed or exceedingly reduced? Were they not touched and grieved, even by the regulating duties of the Sixth of George the Second? Else why were the duties first reduced to one-third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the stamp-act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which, Lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribband, now standing on your Journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is—"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though in my private judg-

ment an useful representation is impossible; I am sure it is not desired by them; nor ought it perhaps by us; but I abstain from opinions.

The fourth resolution is—"That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or general court, with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his majesty;" and acts granting to the crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised, that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, his majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attornies, and all solicitors general! However, they are safe; as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact—"That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely

granted several large subsidies and public aids for his majesty's service, according to their abilities, when required thereto by letter from one of his majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament." To say nothing of their great expences in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall begin to travel only where the Journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following resolution:

"Resolved, That it is the opinion of this committee, *that it is just and reasonable* that the several provinces and colonies of Massachuset's Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expences they have been at in taking and securing to the crown of Great Britain the Island of Cape Breton and its dependencies."

These expences were immense for such colonies. They were above 200,000*l.* sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the king came to us, to this effect—"His majesty, being sensible of the zeal and vigour with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his majesty to give them such assistance as may be a *proper reward and encouragement*."

On the 3d of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those

of the message: but with the further addition, that the money then voted was as an *encouragement* to the colonies to exert themselves with vigour. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the Journals: Vol. xxvii.—16th and 19th May, 1757. Vol. xxviii.—June 1st. 1758; April 26th and 30th, 1759; March 26th and 31st, and April 28th, 1760; Jan. 9th and 20, 1761. Vol. xxix.—Jan. 22nd and 26th, 1762; March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of parliament, that the colonies not only gave, but gave to satiety. This nation has formerly acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition what is scattered through your Journals. I give you nothing but your own; and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honourable to them and to you, will, indeed, be mortal to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded, that the Americans, who paid no taxes should be compelled to contribute. How did that fact of their paying nothing stand, when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this

House, that the colonies were then in debt 2,600,000*l.* sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of 650,000*l.* a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant*. Now search the same Journals for the produce of the *revenue by imposition*—Where is it?—Let us know the volume and the page—what is the gross, what is the net produce?—To what service is it applied?—How have you appropriated its surplus?—What, can none of the many skilful index-makers, that we are now employing, find any trace of it?—Well, let them, and that, rest together.—But are the Journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from those Journals, justified in the sixth and last resolution, which is—"That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in parliament, to be raised and paid in the said

colonies." This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert, that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is;—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, every thing which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner: "That it may be proper to repeal an act, made in the seventh year of the reign of his present majesty, intituled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa-nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations. And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, intituled, An act to discontinue in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and

merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay, in North America. And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, intituled, An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachuset's Bay, in New England. And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majety, intituled, An act for the better regulating the government of the province of Massachuset's Bay in New England. And also, that it may be proper to explain and amend an act made in the thirty-fifth year of the reign of King Henry VIII., intituled, An act for the trial of treasons committed out of the king's dominions."

I wish, Sir, to repeal the Boston port bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up.—Even the restraining bill of the present session does not go to the length of the Boston port act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachuset's colony, though the crown has far less power in the two former provinces than it enjoyed in the latter; and though

the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachuset's Bay. Besides, Sir, the act which changes the charter of Massachuset's is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

'The act for bringing persons accused of committing murder under the orders of government to England for trial, is but temporary. That act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry VIII. for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiassed judicature: for which purpose, Sir, I propose the following resolution: "That, from the time when the general assembly or general court of any colony or plantation in North America shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper that the said chief justice and other judges of the superior courts of such

colony, shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives severally, of the colony in which the said chief justice and other judges have exercised the said offices."

The next resolution relates to the courts of admiralty. It is this:—"That it may be proper to regulate the courts of admiralty or vice-admiralty, authorized by the 15th chap. of the 4th of George III. in such a manner as to make the same more commodious to those who sue or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away: they are in themselves proper establishments. This court is one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The congress complain, and complain justly of this grievance.*

These are the three consequential propositions. I have thought of two or three more; but they came rather too near detail, and to the province of executive government, which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry

* The Solicitor-General informed Mr. Burke when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by office; accordingly the resolution was amended.

the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

Here, Sir, I should close; but that I plainly perceive some objections remain which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine;* and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table, in confirmation of its tenets. It is true, that Lord Chatham considered these preambles as declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume, that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights of parliament, and to the privilege of the dependencies of this crown? But, Sir, the object of grievance in my resolution, I have not taken from the Chester, but from the Durham Act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the

colonies. But whether the unrepresented counties were *de jure,* or *de facto,* bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure,* or *de facto,* the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is besides a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and, we chuse rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But in all fair dealings the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for

it all the essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life, rather than fall under a government purely arbitrary. But, although there are some amongst us who think our constitution wants many improvements, to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement, by disturbing his country, and risking every thing that is dear to him. In every arduous enterprise, we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man.* Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature; when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces; and I confess, I feel not the least alarm, from the discontents which are to arise, from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow citizens, some share of those rights, upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire; which was preserved entire, although Wales, and

Chester, and Durham, were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of single and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature; which, far from distracting, promoted the union of the whole. Every thing was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire, than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord (North) on the floor, which has been so lately received and stands on your Journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction;—because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by

no analogy; without example of our ancestors, or root in the constitution.

It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili,* is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects; the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our constitution. For what is it but a scheme for taxing the colonies in the anti-chamber of the noble lord and his successors? To settle the quotas and proportions in this House, is clearly impossible. You, Sir, may flatter yourself, you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back-door of the constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain, that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very

grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum nor the mode; nor indeed any thing. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents, on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion, that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing, you

can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota: how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient, and already well taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you, with a clue, to lead you out of it? I think, Sir, it is impossible, that you should not recollect that the colony bounds are so implicated in one another (you know it by your other experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom upon every principle you ought to exonerate. He must be grossly ignorant of America, who thinks, that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central, and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue; or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years arrears. You cannot issue a treasury extent against the failing colony.

You must make new Boston port bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue, and the worst army, in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord, who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste.* I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and obvious mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by

a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does—For it secures to the subject the power of refusal; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you 152,752*l.* 11*s.* 2¾*d.*, nor any other paltry limited sum. But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca.* Cannot you in England; cannot you at this time of day; cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false every where else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that, in any country, a body duly constituted for any function, will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all governments in all modes. But, in

truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first, observe, that besides the desire which all men have naturally of supporting the honour of their own government: that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared, that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained; will be narrow, feeble, uncertain, and precarious. "Ease would retract vows made in pain, as violent and void."

I, for one, protest against compounding our demands: I declare against compounding, for a poor limited sum, the immense, overgrowing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not delude yourselves—you never can receive it—No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? for certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East-India Company. America has none of these aptitudes. If America gives you taxable objects, on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties, which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government;—they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual

relation ; the cement is gone ; the cohesion is loosened ; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have ; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion, that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire, even down to the minutest member.

Is it not the same virtue which does every thing for us

here in England? Do you imagine then, that it is the Land Tax Act which raises your revenue; that it is the annual vote in the committee of supply, which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned, have no substantial existence, are in truth every thing, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our places as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests; not by destroying, but by promoting, the wealth, the number, the happiness of the human race. Let us get an American

revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (quod felix faustumque sit)—lay the first stone of the temple of peace; and I move you, &c.

Mr. Burke concluded with moving correspondent Resolutions.

Character of Mr. Fox,

(In Support of his India Bill.)

AND now, having done my duty to the bill, let me say a word to the author. I should leave him to his own noble sentiments, if the unworthy and illiberal language with which he has been treated, beyond all example of parliamentary liberty, did not make a few words necessary; not so much in justice to him, as to my own feelings. I must say then, that it will be a distinction honourable to the age, that the rescue of the greatest number of the human race that ever were so grievously oppressed, from the greatest tyranny that was ever exercised, has fallen to the lot of abilities and dispositions equal to the task; that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support, so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things. He well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security,

his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember, that obloquy is a necessary ingredient in the composition of all true glory: he will remember, that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind, which only exists for honour, under the burthen of temporary reproach. He is doing indeed a great good; such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he may do much. But here is the summit. He never can exceed what he does this day.

He has faults; but they are faults that though they may in a small degree tarnish the lustre, and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults, there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the Fourth of France, as they did exist in that father of his country. Henry the Fourth wished that he might live to see a fowl in the pot of every peasant in his kingdom: that sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say this at least, with truth, that he secures the rice in his pot to every man in India. A poet of antiquity thought it one of the first

distinctions to a prince whom he meant to celebrate, that through a long succession of generations, he had been the progenitor of an able and virtuous citizen, who by force of the arts of peace, had corrected governments of oppression, and suppressed wars of rapine:

> Indole proh quanta juvenis, quantumque daturus
> Ausoniæ populis, ventura in sæcula civem.
> Ille super Gangem, super exauditus et Indos,
> Implebit terras voce; et furialia bella
> Fulmine compescet linguæ.——

This was what was said of the predecessor of the only person to whose eloquence it does not wrong that of the mover of this bill to be compared. But the Ganges and the Indus are the patrimony of the fame of my honourable friend, and not of Cicero. I confess, I anticipate with joy the reward of those, whose whole consequence, power, and authority, exist only for the benefit of mankind; and I carry my mind to all the people, and all the names and descriptions, that, relieved by this bill, will bless the labours of this parliament, and the confidence which the best House of Commons has given to him who the best deserves it. The little cavils of party will not be heard, where freedom and happiness will be felt. There is not a tongue, a nation, or religion in India, which will not bless the presiding care and manly beneficence of this House, and of him who proposes to you this great work. Your names will never be separted before the throne of the Divine Goodness, in whatever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in his universal bounty to his creatures. These honours you deserve, and they will surely be paid, when all the jargon of influence, and party, and patronage, are swept into oblivion.

Description of the Cruelties of Debi Sing.

MY lords, I am here obliged to offer some apology for the horrid scenes I am about to open. Permit me to make the same apology to your lordships, that was made by Mr. Patterson—a man with whose name I wish mine to be handed down to posterity. His apology is this—and it is mine—that the punishments inflicted upon the ryots of Rumpore and of Dinagepore, were, in many instances, of such a nature, that I would rather wish to draw a veil over them, than shock your feelings by a detail. But it is necessary for the substantial ends of justice and humanity, and for the honour of government, that they should be exposed, that they should be recorded, and handed down to after ages: let this be my apology. My lords, when the people had been stript of every thing, it was, in some cases, suspected, and justly, that they had hid some share of the grain. Their bodies were then applied to the fiercest mode of torture, which was this: they began with winding cords about their fingers, till the flesh on each hand clung and was actually incorporated. Then they hammered wedges of wood and iron between those fingers, until they crushed and maimed those poor, honest, and laborious hands, which were never never lifted up to their mouths but with a scanty supply of provision. My lords, these acts of unparalleled cruelty, began with the poor ryots; but if they began there, there they did not stop. The heads of the villages, the leading yeomen of the country, respectable for their virtues, respectable for their age, were tied together, two and two, the unoffending and helpless, thrown across a bar, upon which they were

hung with their feet uppermost, and there beat with bamboo canes on the soles of those feet, until the nails started from their toes, and then with the cudgels of their blind fury these poor wretches were afterwards beat about the head, until the blood gushed out at their mouth, nose, and ears. My lords, they did not stop here. Bamboos, wangees, rattans, canes, common whips, and scourges were not sufficient. They found a tree in the country which bears strong and sharp thorns—not satisfied with those other cruelties, they scourged them with these. Not satisfied with this, but searching every thing through the deepest parts of nature, where she seems to have forgot her usual benevolence, they found a poisonous plant, a deadly caustic, that inflames the part that is bruised, and often occasions death. This they applied to those wounds. My lords, we know that there are men (for so we are made) whom bodily pains cannot subdue. The mind of some men strengthens in proportion as the body suffers. But people who can bear up against their own tortures, cannot bear up against those of their children and their friends. To add, therefore, to their sufferings, the innocent children were brought forth, and cruelly scourged before the faces of their parents. They frequently bound the father and the son, face to face, arm to arm, body to body, and then flogged till the skin was torn from the flesh: and thus they had the devilish satisfaction of knowing, that every blow must wound the body or the mind; for if one escaped the son, his sensibility was wounded by the knowledge he had that the blow had fallen upon his father; the same torture was felt by the father, when he knew that every blow that missed him had fallen upon his unfortunate son.

My lords, this was not, this was not all! The treatment of the females cannot be described. Virgins that were kept from the sight of the sun, were dragged into the public court—that court which was intended to be a refuge against

all oppression—and there, in the presence of day, their delicacies were offended, and their persons cruelly violated, by the basest of mankind. It did not end there: the wives of the men of the country only suffered less by this: they lost their honour in the bottom of the most cruel dungeons, in which they were confined. They were then dragged out naked, and in that situation exposed to public view, and scourged before all the people. My lords, here is my authority—for otherwise you will not believe it possible. My lords, what will you feel when I tell you, that they put the nipples of the women into the cleft notches of sharp bamboos, and tore them from their bodies. What modesty in all nations most carefully conceals, these monsters revealed to view, and consumed by burning tortures, and cruel slow fires! My lords, I am ashamed to open it—horrid to tell! these infernal fiends, these monstrous tools of this monster Debi Sing, in defiance of every thing divine or human, planted death in the source of life!

Peroration to Mr. Burke's Speech *on the Impeachment of Warren Hastings.*

MY lords, none but wicked, bloody, and rapacious persons can be employed to execute such a task. Therefore, I charge Mr. Hastings—and we shall charge him when we come to bring it more home to him—I charge him with having destroyed the whole system of government, which he had no right to destroy, in the six provincial councils—I charge him with having delegated away that power, which the act of parliament had directed him to preserve unalienably in himself—I charge him with having formed an osten-

sible committee to be instruments and tools at the enormous expence of 62,000*l.* a-year—I charge him with having appointed a person dewan to whom those tools were to be subservient, a man, whose name, to his own knowledge, by his own general recorded official transactions, by every thing that can make a man known, abhorred, and detested, was stamped with infamy; with giving him this whole power, which he had thus separated from the council general, and from the provincial councils—I charge him with taking bribes of Gunga Govind Sing—I charge him that he has not done that bribe-duty with fidelity; for there is something like a fidelity in the transactions of the very worst of men—I charge him with having robbed those people of whom he took the bribes—I charge him with having alienated the fortunes of widows—I charge him with having, without right, title, or purchase, taken away the lands of orphans, and given them to the very person under whose protection those orphans were—I charge him with giving those very zemindaries to the most wicked of persons, knowing his wickedness; with having committed to him that great country, and with having wasted the country, destroyed the landed interest, cruelly harassed the peasants, burnt their houses, and destroyed their crops—I charge him with having tortured and dishonoured their persons, and destroyed the honour of the whole female race of that country. This I charge upon him in the name of the Commons of England.

Now, my lords, what is it in this last moment that we want besides the cause of justice—the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms? Do you want a criminal, my lords? When was there so much iniquity applied to any one? No, my lords, with respect to India, you must not look to punish in India more; for Mr. Hastings has not left

substance enough in Asia to punish such another delinquent. My lords, if a prosecutor you want, the Commons of Great Britain appear to prosecute. You have before you the Commons of Great Britain as prosecutors; and I believe, my lords, I may venture to say, that the sun in his beneficent progress does not behold a more glorious sight, than to see those that are separated by the material bounds and barriers of nature, united by the bond of social and natural humanity; and all the Commons of England resenting as their own, the indignities and cruelties that have been offered to the people of India. My lords, permit me to add, neither do we want a tribunal; for a greater tribunal than the present, no example of antiquity, nor any thing in the world, can supply. My lords, here we see, virtually in the mind's eye, the sacred minister of the crown, under whose authority you sit, and whose power you exercise. In that invisible authority, which we all feel the energy and life of, we see the protecting power of his majesty. We have also, my lords, sitting in judgment, in this great and august assembly, the Heir Apparent to the crown, such as the fond wishes of the people of England desire an heir apparent to be. We have here all the nobles of England, offering themselves as a pledge for the support of the rights of the crown, and the liberties of the people. We have here, my lords, a great hereditary peerage; we have those who have their own honour, the honour of their ancestors, and the honour of their posterity to guard; and who, while they inherit the virtues of those ancestors, will be anxious to transmit them to that posterity. My lords, we have also here a new nobility, who have raised themselves by their integrity, their virtue, and their magnanimity, and those who, by their various talents and abilities have been exalted to a situation, by the wisdom and bounty of their sovereign, which they well deserve, and

which may justify that favour, and secure to them the good opinion of their fellow subjects. These will be equally careful not to sully those honours. My lords, we have here persons highly exalted in the practice of the law, who come to sit in this tribunal, to enlighten it, and to strengthen and promote those principles which they have maintained in their respective courts below. These being ennobled for their superior knowledge, will, no doubt, see that the law is justly and impartially administered. My lords, you have here also the lights of our holy religion, the bishops of our church. Here we behold the true image of the most incorrupted religion, in its primitive and ancient forms; here you behold it in its primitive ordinances, purified from the superstitions that are but too apt to disgrace the best institutions in the world. You have here the representatives of that religion, which says, that God is a God of love, that of their institutions the very vital spirit is charity, and that it so much hates oppression, that when the God whom we adore appeared in human form, he did not appear in greatness of majesty, but in sympathy to the lower people, and made it a firm principle, that in that government which he who is Master of nature and who appeared in our humble form has established, of the flock that feed and those that feed them, he who is called first among them is and ought to be the servant of the rest.

My lords, these are our securities; we rest upon them; we reckon upon them; and we commit, with confidence, the interests of India and of humanity to your hands. Therefore it is, that, ordered by the House of Commons of Great Britain, I impeach Warren Hastings of high crimes and misdemeanors.

I impeach him in the name of the Commons of Great

Britain in parliament assembled, whose parliamentary trust he has abused.

I impeach him in the name of the Commons of Great Britain, whose national character he has dishonoured.

I impeach him in the name of the people of India, whose laws, rights, and liberties, he has subverted.

I impeach him in the name of the people of India, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed, in both sexes. And I impeach him in the name and by the virtue of those eternal laws of justice, which ought equally to pervade every age, condition, rank, and situation in the world.

Description of General Conway's Situation on the Repeal of the American Stamp Act.

I WILL likewise do justice, I ought to do it, to the honourable gentleman who led us in this house.* Far from the duplicity wickedly charged on him, he acted his part with alacrity and resolution. We all felt inspired by the example he gave us, down even to myself, the weakest in that phalanx. I declare for one, I knew well enough (it could not be concealed from any body) the true state of things; but, in my life, I never came with so much spirits into this house. It was a time for a *man* to act in. We had powerful enemies; but we had faithful and determined

* General Conway.

friends, and a glorious cause. We had a great battle to fight; but we had the means of fighting; not as now, when our arms are tied behind us. We did fight that day and conquer.

I remember, Sir, with a melancholy pleasure, the situation of the honourable gentleman* who made the motion for the repeal; in that crisis, when the whole trading interest of this empire, crammed into your lobbies, with a trembling and anxious expectation, waited, almost to a winter's return of light, their fate from your resolutions. When, at length you had determined in their favour, and your doors, thrown open, shewed them the figure of their deliverer in the well-earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a long absent father. They clung about him as captives about their redeemer. All England, all America, joined to his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow citizens. *Hope elevated and joy brightened his crest.* I stood near him; and his face, to use the expression of the scripture of the first martyr, "his face was as if it had been the face of an angel." I do not know how others feel; but if I had stood in that situation, I never would have exchanged it for all that kings in their profusion could bestow. I did hope, that that day's danger and honour would have been a bond to hold us all together for ever. But, alas! that, with other pleasing visions, is long since vanished.

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* General Conway.

Devastation of the Carnatic.

WHEN at length Hyder Ali found that he had to do with men who either would sign no convention, or whom no treaty and no signature could bind, and who were the determined enemies of human intercourse itself, he decreed to make the country possessed by these incorrigible and predestinated criminals a memorable example to mankind. He resolved, in the gloomy recesses of a mind capacious of such things, to leave the whole Carnatic an everlasting monument of vengeance, and to put perpetual desolation as a barrier between him and those, against whom the faith which holds the moral elements of the world together, was no protection. He became at length so confident of his force, so collected in his might, that he made no secret whatsoever of his dreadful resolution. Having terminated his disputes with every enemy, and every rival, who buried their mutual animosities in their common detestation against the creditors of the nabob of Arcot, he drew from every quarter whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation, into one black cloud, he hung for a while on the declivities of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which blackened all their horizon, it suddenly burst, and poured down the whole of its contents upon the plains of the Carnatic. Then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of, were mercy to that new havoc. A storm of universal fire blasted every field, con-

sumed every house, destroyed every temple. The miserable inhabitants flying from their flaming villages, in part were slaughtered; others, without regard to sex, to age, to the respect of rank, or sacredness of function, fathers torn from children, husbands from wives, enveloped in a whirlwind of cavalry, and amidst the goading spears of drivers, and the trampling of pursuing horses, were swept into captivity in an unknown and hostile land. Those who were able to evade this tempest, fled to the walled cities. But escaping from fire, sword, and exile, they fell into the jaws of famine.

The alms of the settlement, in this dreadful exigency, were certainly liberal; and all was done by charity that private charity could do; but it was a people in beggary; it was a nation which stretched out its hands for food. For months together these creatures of sufferance, whose very excess and luxury, in their most plenteous days, had fallen short of the allowance of our austerest fasts, silent, patient, resigned, without sedition or disturbance, almost without complaint, perished by an hundred a day in the streets of Madras; every day seventy at least laid their bodies in the streets, or on the glacis of Tanjore, and expired of famine in the granary of India. I was going to awake your justice towards this unhappy part of our fellow-citizens, by bringing before you some of the circumstances of this plague of hunger. Of all the calamities which beset and waylay the life of man, this comes the nearest to our heart, and is that wherein the proudest of us all feels himself to be nothing more than he is: but I find myself unable to manage it with decorum; these details are of a species of horror so nauseous and disgusting; they are so degrading to the sufferers and to the hearers; they are so humiliating to human nature itself, that, on better thoughts, I find it more advisable to throw a pall over this hideous object, and to leave it to your general conceptions.

Description of Junius.

WHERE, then, Sir, shall we look for the origin of this relaxation of the laws and of all government? How comes this Junius to have broken through the cobwebs of the law, and to range uncontrouled, unpunished, through the land? The myrmidons of the court have been long, and are still, pursuing him in vain. They will not spend their time upon me, or you, or you: no; they disdain such vermin, when the mighty boar of the forest, that has broken through all their toils, is before them. But, what will all their efforts avail? No sooner has he wounded one, than he lays down another dead at his feet. For my part, when I saw his attack upon the King, I own my blood ran cold. I thought he had ventured too far, and that there was an end of his triumphs; not that he had not asserted many truths. Yes, Sir, there are in that composition many bold truths by which a wise prince might profit. It was the rancour and venom with which I was struck. In these respects the North Briton is as much inferior to him, as in strength, wit, and judgment. But while I expected from this daring flight his final ruin and fall, behold him rising still higher, and coming down souse upon both houses of parliament. Yes, he did make you his quarry, and you still bleed from the wounds of his talons. You crouched, and still crouch beneath his rage: Nor has he dreaded the terror of your brow, Sir; he has attacked even you—he has—and I believe you have no reason to triumph in the encounter. In short, after carrying away our royal eagle in his pounces, and dashing him against a rock,

he has laid you prostrate. King, Lords, and Commons, are but the sport of his fury. Were he a member of this house, what might not be expected from his knowledge, his firmness, and integrity! He would be easily known by his contempt of all danger, by his penetration, by his vigour. Nothing would escape his vigilance and activity. Bad ministers could conceal nothing from his sagacity; nor could promises nor threats induce him to conceal any thing from the public.

LAMENTATION FOR THE LOSS OF HIS SON.

HAD it pleased God to continue to me the hopes of succession, I should have been according to my mediocrity, and the mediocrity of the age I live in, a sort of founder of a family; I should have left a son, who, in all the points in which personal merit can be viewed, in science, in erudition, in genius, in taste, in honour, in generosity, in humanity, in every liberal sentiment, and every liberal accomplishment, would not have shewn himself inferior to the Duke of Bedford, or to any of those whom he traces in his line. His grace very soon would have wanted all plausibility in his attack upon that provision which belonged more to mine than to me. HE would soon have supplied every deficiency, and symmetrized every disproportion. It would not have been for that successor to resort to any stagnant wasting reservoir of merit in me, or in any ancestry. He had in himself a salient, living spring, of generous and manly action. Every day he lived he would have re-purchased the bounty

of the crown, and ten times more, if ten times more he had received. He was made a public creature; and had no enjoyment whatever, but in the performance of some duty. At this exigent moment, the loss of a finished man is not easily supplied.

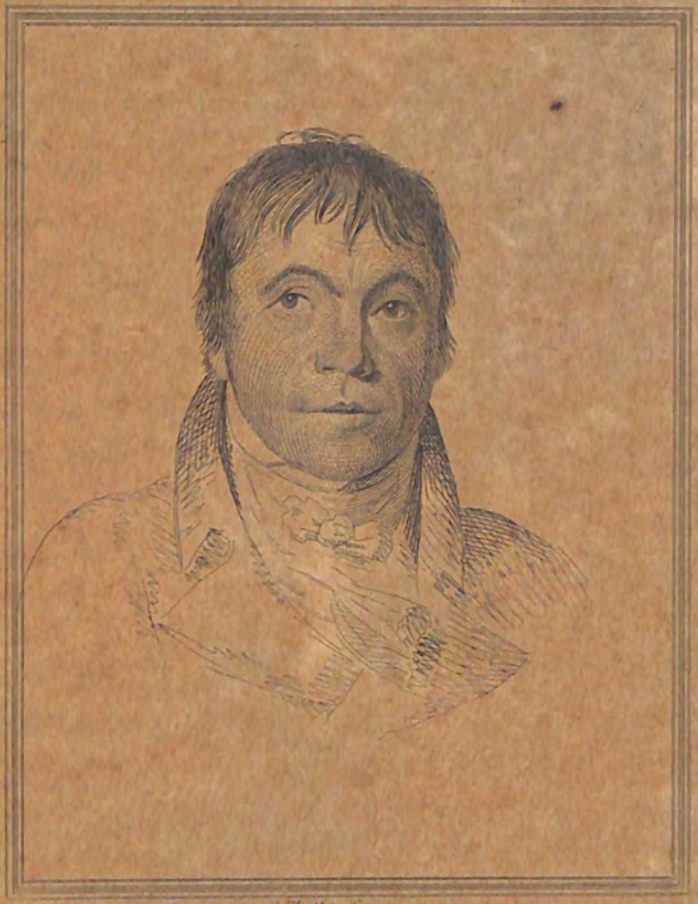
But a disposer whose power we are little able to resist, and whose wisdom it behoves us not at all to dispute; has ordained it in another manner, and (whatever my querulous weakness might suggest) a far better. The storm has gone over me; and I lie like one of those old oaks which the late hurricane has scattered about me. I am stripped of all my honours; I am torn up by the roots, and lie prostrate on the earth! There, and prostrate there, I most unfeignedly recognise the divine justice, and in some degree submit to it. But whilst I humble myself before God, I do not know that it is forbidden to repel the attacks of unjust and inconsiderate men. The patience of Job is proverbial. After some of the convulsive struggles of our irritable nature, he submitted himself, and repented in dust and ashes. But even so, I do not find him blamed for reprehending, and with a considerable degree of verbal asperity, those ill-natured neighbours of his, who visited his dunghill, to read moral, political, and œconomical lectures on his misery. I am alone. I have none to meet my enemies in the gate. Indeed, my lord, I greatly deceive myself, if in this hard season I would give a peck of refuse wheat for all that is called fame and honour in the world. This is the appetite but of a few. It is a luxury; it is a privilege: it is an indulgence for those who are at their ease. But we are all of us made to shun disgrace, as we are made to shrink from pain, and poverty, and disease. It is an instinct: and under the direction of reason, instinct is always in the right. I live in an inverted order. They who ought to have succeeded me have gone before me. They

who should have been to me as posterity are in the place of ancestors. I owe to the dearest relation (which ever must subsist in memory) that act of piety, which he would have performed to me; I owe it to him to shew that he was not descended, as the Duke of Bedford would have it, from an unworthy parent.

Description of the Queen of France.

IT is now sixteen or seventeen years since I saw the Queen of France, then the dauphiness, at Versailles; and surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in,—glittering like the morning-star, full of life, and splendor, and joy. Oh! what a revolution! and what an heart must I have, to contemplate without emotion that elevation and that fall! Little did I dream that, when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in that bosom; little did I dream that I should have lived to see such disasters fallen upon her in a nation of gallant men, in a nation of men of honour and of cavaliers. I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult.—But the age of chivalry is gone.—That of sophisters, œconomists, and calculators, has succeeded; and the glory of Europe is extinguished for ever. Never, never more, shall we behold that

generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom. The unbought grace of life, the cheap defence of nations, the nurse of manly sentiment and heroic enterprize is gone! It is gone, that sensibility of principle, that chastity of honour, which felt a stain like a wound, which inspired courage, whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil, by losing all its grossness.



J. Wells Sc.

Rt. Hon.ble John Philpot Curran

MR. CURRAN.

JOHN PHILPOT CURRAN was born at Newmarket, a little village in the south of Ireland. His father and mother were of humble origin and humble means; and it was partly by toil, partly by talent, and partly by accident, that he was enabled to achieve an education in the University of Dublin, which he entered as a sizar and left without distinction. By self exertion, he contrived to complete his terms at the Middle Temple, and in the year 1775, was called to the Irish Bar, of which, for thirty years, he was the brightest ornament. His uncommon eloquence procured for him a seat in the parliament of his country, and there, to his immortal fame be it recorded, he never raised his voice or gave his vote against the cause of civil and religious liberty. The oppressed found in him an intrepid advocate—the bar a brilliant orator—the senate an incorruptible patriot, and the Bench, to which,

as Master of the Rolls, he was ultimately elevated, an upright judge. To this eulogium may be fairly added, the character of an incomparable companion—his board was ever open to the friends he prized, and never was hospitality more enlivening or more enlightened. The plan of this Volume will not allow me to recapitulate the events of a life which I have already detailed elsewhere. It was my happiness to have known him well—my highest honour to have been received into his friendship, and my mournful consolation to have smoothed his death-bed. He died at Brompton on the 13th of October, 1817, and was buried in the vaults of Paddington church.

Requiescat in pace.

IRISH ELOQUENCE.

MR. CURRAN'S SPEECH IN DEFENCE OF THE REV. CHARLES MASSY, AGAINST THE MARQUIS OF HEADFORT, FOR CRIMINAL CONVERSATION WITH PLAINTIFF'S WIFE.

NEVER so clearly as in the present instance have I observed that safeguard of justice, which Providence hath placed in the nature of man. Such is the imperious dominion with which truth and reason wave their sceptre over the human intellect, that no solicitations, however artful, no talent, however commanding, can reduce it from its allegiance. In proportion to the humility of our submission to its rule do we rise into some faint emulation of that ineffable and presiding divinity, whose characteristic attribute it is—to be coerced and bound by the inexorable laws of its own nature, so as to be *all-wise* and *all-just* from necessity, rather than election. You have seen it in the learned advocate who has preceded me most peculiarly and strikingly illustrated—you have seen *even* his great talents, perhaps the first in any country, languishing under a cause too weak to *carry* him, and too heavy to be *carried* by him. He was forced to dismiss his natural candour and sincerity, and, having no merits in his case, to substitute the dignity of his own manner, the resources of his own ingenuity, over the overwhelming difficulties with which he was surrounded.—Wretched client! unhappy advocate! what a combination

do you form! But such is the condition of guilt—its commission mean and tremulous — its defence artificial and insincere—its prosecution candid and simple —its condemnation dignified and austere. Such has been the defendant's guilt—such his defence—such shall be my address,—and such, I trust, your verdict. The learned counsel has told you, that this unfortunate woman is not to be estimated at forty thousand pounds—fatal and unquestionable is the truth of this assertion. Alas! gentlemen, she is no longer worth any thing—faded, fallen, degraded, and disgraced, she is worth less than nothing! But it is for the honour, the hope, the expectation, the tenderness, and the comforts that have been blasted by the defendant, and have fled for ever, that you are to remunerate the plaintiff, by the punishment of the defendant. It is not her present value which you are to weigh—but it is her value at that time, when she sat basking in a husband's love, with the blessing of heaven on her head, and its purity in her heart; when she sat amongst her family, and administered the morality of the parental board:—estimate that past value—compare it with its present deplorable diminution—and it may lead you to form some judgment of the severity of the injury, and the requisite extent of the compensation.

The learned counsel has told you, you ought to be cautious, because your verdict cannot be set aside for excess. The assertion is just, but has he treated you fairly by its application? His cause would not allow him to be fair—for, why is the rule adopted in this single action? Because, this being peculiarly an injury to the most susceptible of all human feelings—it leaves the injury of the husband to be ascertained by the sensibility of the jury, and does not presume to measure the justice of their determination by the cold and chilly exercise of his own discretion. In any other action it is easy to calculate. If a tradesman's arm is cut

off, you can measure the loss which he has sustained—but the wound of feeling, and the agony of the heart, cannot be judged by any standard with which I am acquainted. And you are unfairly dealt with, when you are called on to appreciate the present suffering of the husband by the present guilt, delinquency, and degradation of his wife. As well might you, if called on to give compensation to a man for the murder of his dearest friend—find the measure of his injury, by weighing the ashes of the dead. But it is not, gentlemen of the jury, by weighing the ashes of the dead, that you would estimate the loss of the survivor.

The learned counsel has referred you to other cases, and other countries, for instances of moderate verdicts. I can refer you to some authentic instances of just ones. In the next country, 15,000*l.* against a subaltern officer. In Travers and M'Carthy, 5000*l.* against a servant. In Tighe against Jones, 10,000*l.* against a man not worth a shilling. What then ought to be the rule, where rank, and power, and wealth, and station, have combined to render the example of his crime more dangerous—to make his guilt more odious—to make the injury to the plaintiff more grievous, because more conspicuous? I affect no levelling familiarity, when I speak of persons in the higher ranks of society—distinctions of orders are necessary, and I always feel disposed to treat them with respect—but when it is my duty to speak of the crimes by which they are degraded, I am not so fastidious as to shrink from their contact, when to touch them is essential to their dissection. In this action, the condition, the conduct, and circumstances of the party, are justly and peculiarly the objects of your consideration. Who are the parties? The plaintiff, young, amiable, of family and education. Of the generous disinterestedness of his heart you can form an opinion even from the evidence of the defendant, that he declined an alliance, which would have added to his

fortune and consideration, and which he rejected for an unportioned union with his present wife. She too, at that time young, beautiful and accomplished; and feeling her affection for her husband increase, in proportion as she remembered the ardour of his love, and the sincerity of his sacrifice. Look now to the defendant!—I blush to name him!—I blush to name a rank which he has tarnished—and a patent that he has worse than cancelled. High in the army—high in the state—the hereditary counsellor of the king—of wealth incalculable—and to this last I advert with an indignant and contemptuous satisfaction, because, as the only instrument of his guilt and shame, it will be the means of his punishment, and the source of compensation for his guilt.

But let me call your attention distinctly to the questions you have to consider. The first is the fact of guilt. Is this noble lord guilty? His counsel knew too well how they would have mortified his vanity, had they given the smallest reason to doubt the splendor of his atchievement. Against any such humiliating suspicion he had taken the most studious precaution by the publicity of the exploit. And here, in this court, and before you, and in the face of the country, has he the unparalleled effrontery of disdaining to resort even to a *confession of innocence*—His guilt established, your next question is, the damages you should give. You have been told, that the amount of the damages should depend on circumstances. You will consider these circumstances, whether of aggravation or mitigation. His learned counsel contend, that the plaintiff has been the author of his own suffering, and ought to receive no compensation for the ill consequences of his own conduct. In what part of the evidence do you find any foundation for that assertion? He indulged her, it seems, in dress—generous and attached, he probably indulged her in that point beyond his means; and the de-

fendant now impudently calls on you to find an excuse for the adulterer in the fondness and liberality of the husband. But you have been told, that the husband connived. Odious and impudent aggravation of injury—to add calumny to insult, and outrage to dishonour. From whom, but a man hackneyed in the paths of shame and vice—from whom, but from a man having no compunctions in his own breast to restrain him, could you expect such brutal disregard for the feelings of others — from whom, but the cold-blooded veteran seducer—from what, but from the exhausted mind—the habitual community with shame—from what, but the habitual contempt of virtue and of man, could you have expected the arrogance, the barbarity, and folly of so foul—because so false an imputation? He should have reflected—and have blushed, before he suffered so vile a topic of defence to have passed his lips. But, ere you condemn, let him have the benefit of the excuse, if the excuse be true. You must have observed how his counsel fluttered and vibrated—between what they called connivance and injudicious confidence; and how, in affecting to distinguish they have confounded them both together.—If the plaintiff has connived, I freely say to you, do not reward the wretch who has prostituted his wife, and surrendered his own honour—do not compensate the pander of his own shame, and the willing instrument of his own infamy. But as there is no sum so low to which such a defence, if true, ought not to reduce your verdict, so neither is any so high to which such a charge ought not to inflame it, if such a charge be false. Where is the single fact in this case on which the remotest suspicion of connivance can be hung?—Odiously has the defendant endeavoured to make the softest and most amiable feelings of the heart the pretext of his slanderous imputations. An ancient and respectable prelate, the husband of his wife's sister, chained down to the bed of sick-

ness, perhaps to the bed of death. In that distressing situation, my client suffered that wife to be the bearer of consolation to the bosom of her sister—he had not the heart to refuse her—and the softness of his nature is now charged on him as a crime. He is now insolently told, that he connived at his dishonour, and that he ought to have foreseen, that the mansion of sickness and of sorrow would have been made the scene of assignation and of guilt. On this charge of connivance I will not farther weary you or exhaust myself—I will add nothing more, than that it is as false as it is impudent—that in the evidence it has not a colour of support; and that by your verdict you should mark it with reprobation. The other subject, namely, that he was indiscreet in his confidence, does, I think, call for some discussion —for I trust you see that I affect not any address to your passions, by which you may be led away from the subject— I presume merely to separate the parts of this affecting case, and to lay them item by item before you, with the coldness of detail, and not with any colouring or display of fiction or of fancy. Honourable to himself was his unsuspecting confidence, but fatal must we admit it to have been, when we look to the abuse committed upon it; but where was the guilt of this indiscretion? He did admit this noble lord to pass his threshold as his guest. Now the charge which this noble lord builds on this indiscretion is—"thou fool—thou hadst confidence in my honour—and that was a guilty indiscretion—thou simpleton, thou thoughtest that an admitted and cherished guest would have respected the laws of honour and hospitality, and thy indiscretion was guilt—thou thoughtest that he would have shrunk from the meanness and barbarity of requiting kindness with treachery—and thy indiscretion was guilt."

Gentlemen, what horrid alternative in the treatment of wives would such reasoning recommend? Are they to be

immured by worse than eastern barbarity? Are their principles to be depraved, their passions sublimated, every finer motive of action extinguished by the inevitable consequences of thus treating them like slaves? Or is a liberal and generous confidence in them to be the passport of the adulterer, and the justification of his crimes?

Honourably, but fatally for his own repose, he was neither jealous, suspicious, nor cruel.—He treated the defendant with the confidence of a friend—and his wife with the tenderness of a husband.—He did leave to the noble marquis the physical possibility of committing against him the greatest crime which can be perpetrated against a being of an amiable heart and refined education.—In the middle of the day, at the moment of divine worship, when the miserable husband was on his knees, directing the prayers and thanksgiving of his congregation to their God—that moment did the remorseless adulterer choose to carry off the deluded victim from her husband—from her child—from her character—from her happiness,—as if not content to leave his crime confined to its miserable aggravations, unless he gave it a cast and colour of factitious sacrilege and impiety. Oh! how happy had it been when he arrived at the bank of the river with the ill-fated fugitive, ere yet he had committed her to that boat, of which, like the fabled bark of Styx, the exile was eternal, how happy at that moment, so teeming with misery and with shame, if you, my lord, had met him, and could have accosted him in the character of that good genius which had abandoned him. How impressively might you have pleaded the cause of the father, of the child, of the mother, and even of the worthless defendant himself.—You would have said, "is this the requital that you are about to make for respect and kindness, and confidence in your honour? Can you deliberately expose this young man in the bloom of life, with all his hopes before him?—Can

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you expose him, a wretched outcast from society to the scorn of a merciless world? Can you set him adrift upon the tempestuous ocean of his own passions, at this early season when they are most headstrong; and can you cut him out from the moorings of those domestic obligations by whose cable he might ride at safety from their turbulence? Think of, if you can conceive it, what a powerful influence arises from the sense of home, from the sacred religion of the hearth in quelling the passions, in reclaiming the wanderings, in correcting the discords of the human heart; do not cruelly take from him the protection of these attachments. But if you have no pity for the father, have mercy at least upon his innocent and helpless child; do not condemn him to an education scandalous or neglected,—do not strike him into that most dreadful of all human conditions, the orphanage that springs not from the grave, that falls not from the hand of Providence, or the stroke of death; but comes before its time, anticipated and inflicted by the remorseless cruelty of parental guilt. For the poor victim herself—not yet immolated—while yet balancing upon the pivot of her destiny, your heart could not be cold, nor your tongue be wordless. You would have said to him, pause,—my lord, while there is yet a moment for reflection. What are your motives, what your views, what your prospects from what you are about to do? You are a married man, the husband of the most amiable and respectable of women, you cannot look to the chance of marrying this wretched fugitive; between you and such an event there are two sepulchres to pass. What are your inducements? Is it love, think you? No,—do not give that name to any attraction you can find in the faded refuse of a violated bed. Love is a noble and generous passion; it can be founded only on a pure and ardent friendship, on an exalted respect, on an implicit confidence in its object. Search your heart, examine your

judgment, do you find the semblance of any one of these sentiments to bind you to her? what could degrade a mind to which nature or education had given port or stature or character, into a friendship for her? Could you repose upon her faith? Look in her face, my lord, she is at this moment giving you the violation of the most sacred of human obligations as the pledge of her fidelity.—She is giving you the most irrefragable proof that, as she is deserting her husband for you, so she would, without a scruple, abandon you for another. Do you anticipate any pleasure you might feel in the possible event of your becoming the parents of a common child? She is at this moment proving to you that she is as dead to the sense of parental as of conjugal obligation; and that she would abandon your offspring to-morrow, with the same facility with which she now deserts her own. Look then at her conduct, as it is, as the world must behold it, blackened by every aggravation that can make it either odious or contemptible, and unrelieved by a single circumstance of mitigation, that could palliate its guilt, or retrieve it from abhorrence.

"Mean, however, and degraded as this woman must be, she will still (if you take her with you) have strong and heavy claims upon you.—The force of such claims does certainly depend upon circumstances; before, therefore, you expose her fate to the dreadful risk of your caprice or ingratitude, in mercy to her weigh well the confidence she can place in your future justice and honour: at that future time, much nearer than you think, by what topics can her cause be pleaded to a sated appetite, to a heart that repels her, to a just judgment in which she never could have been valued or respected?—Here is not the case of an unmarried woman, with whom a pure and generous friendship may insensibly have ripened into a more serious attachment, until at last her heart became too deeply pledged to be re-assumed: if so circumstanced,

without any husband to betray, or child to desert, or motive to restrain, except what related solely to herself, her anxiety for your happiness made her overlook every other consideration, and commit her history to your honour: in such a case, (the strongest and the highest that imagination can suppose); in which you at least could see nothing but the most noble and disinterested sacrifice; in which you could find nothing but what claimed from you the most kind and exalted sentiment of tenderness, and devotion, and respect; and in which the most fastidious rigour would find so much more subject for sympathy than blame:—Let me ask you, could you even in that case, answer for your own justice and gratitude? I do not allude to the long and pitiful catalogue of paltry adventures, in which it seems your time has been employed—The coarse and vulgar succession of casual connexions, joyless, loveless and unendeared: but do you not find upon your memory some trace of an engagement of the character I have sketched?—Has not your sense of what you would owe in such a case, and to such a woman, been at least once put to the test of experiment? Has it not once at least happened that such a woman, with all the resolution of strong faith, flung her youth, her hope, her beauty, her talent, upon your bosom, weighed you against the world, which she found but a feather in the scale, and took you as an equivalent? How did you then acquit yourself? Did you prove yourself worthy of the sacred trust reposed in you? Did your spirit so associate with hers, as to leave her no room to regret the splendid and disinterested sacrifice she had made? Did her soul find a pillow in the tenderness of yours, and support in its firmness? Did you preserve her high in your own consciousness, proud in your admiration and friendship, and happy in your affection? You might have so acted, and the man that was worthy of her would have perished rather than not so act,

as to make her delighted with having confided so sacred a trust to his honour—Did you so act? Did she feel that, however precious to your heart, she was still more exalted and honoured in your reverence and respect? Or did she find you coarse and paltry, fluttering and unpurposed, unfeeling, and ungrateful? You found her a fair and blushing flower, its beauty and its fragrance bathed in the dews of heaven. Did you so tenderly transplant it, as to preserve that beauty and fragrance unimpaired? Or did you so rudely cut it, as to interrupt its nutriment, to waste its sweetness, to blast its beauty, to bow down its faded and sickly head? And did you at last fling it like "a loathsome weed away?" If then to such a woman, so clothed with every title that could ennoble, and exalt, and endear her to the heart of man, you would be cruelly and capriciously deficient, how can a wretched fugitive like this, in every point her contrast, hope to find you just? Send her then away. Send her back to her home, to her child, to her husband, to herself." Alas, there was no one to hold such language to this noble defendant; he did not hold it to himself. But he paraded his despicable prize in his own carriage, with his own retinue, his own servants—this veteran Paris hawked his enamoured Helen from this western quarter of the island to a sea-port in the eastern, crowned with the acclamations of a senseless and grinning rabble, glorying and delighted, no doubt, in the leering and scoffing admiration of grooms and ostlers, and waiters, as he passed.

In this odious contempt of every personal feeling, of public opinion, of common humanity, did he parade this woman to the sea-port, whence he transported his precious cargo to a country, where her example may be less mischievous than in her own; where I agree with my learned colleague in heartily wishing he may remain with her for ever. We are too poor, too simple, too unadvanced a coun-

try, for the advancement of such atchievements. When the relaxation of morals is the natural growth and consequence of the great progress of arts and wealth, it is accompanied by a refinement, that makes it less gross and shocking: but for such palliations we are at least a century too young. I advise you, therefore, most earnestly to rebuke this budding mischief, by letting the wholesome vigour and chastisement of a liberal verdict speak what you think of its enormity. In every point of view in which I can look at the subject, I see you are called upon to give a verdict of bold, and just, and indignant, and exemplary compensation. The injury of the plaintiff demands it from your justice; the delinquency of the defendant provokes it by its enormity. The rank on which he has relied for impunity calls upon you to tell him, that crime does not ascend to the rank of the perpetrator, but the perpetrator sinks from his rank, and descends to the level of his delinquency. The style and mode of his defence is a gross aggravation of his conduct, and a gross insult upon you. Look upon the different subjects of his defence as you ought, and let him profit by them as he deserves; vainly presumptuous upon his rank he wishes to overawe you by the despicable consideration. He next resorts to a cruel aspersion upon the character of the unhappy plaintiff, whom he had already wounded beyond the possibility of reparation; he has ventured to charge him with connivance: as to that, I will only say, gentlemen of the jury, do not give this vain boaster a pretext for saying, that if her husband connived in the offence, the jury also connived in the reparation. But he has pressed another curious topic upon you. After the plaintiff had cause to suspect his designs, and the likelihood of their being fatally successful, he did not then act precisely as he ought. Gracious God, what an argument for him to dare to advance! It is saying this to him: "I abused your confidence, your

hospitality; I laid a base plan for the seduction of the wife of your bosom; I succeeded at last, so as to throw in upon you that most dreadful of all suspicions to a man fondly attached, proud of his wife's honour, and tremblingly alive to his own; that you were possibly a dupe to the confidence in the wife, as much as in the guest: in this so pitiable distress, which I myself had studiously and deliberately contrived for you, between hope and fear, and doubt and love, and jealousy and shame; one moment shrinking from the cruelty of your suspicion; the next, fired with indignation at the facility and credulity of your acquittal; in this labyrinth of doubt, in this phrensy of suffering, you were not collected and composed; you did not act as you might have done, if I had not worked you to madness; and upon that very madness which I have inflicted upon you, upon the very completion of my guilt, and of your misery, I will build my defence. You will not act critically right, and therefore are unworthy of compensation." Gentlemen, can you be dead to the remorseless atrocity of such a defence! And shall not your honest verdict mark it as it deserves? But let me go a little further; let me ask you, for I confess I have no distinct idea, what should be the conduct of an husband so placed, and who is to act critically right? Shall he lock her up, or turn her out, or enlarge or abridge her liberty of acting as she pleases? Oh, dreadful Areopagus of the tea-table! how formidable thy inquests, how tremendous thy condemnations! In the first case he is brutal and barbarous, an odious eastern despot. In the next; what! turn an innocent woman out of his house, without evidence or proof, but merely because he is vile and mean enough to suspect the wife of his bosom, and the mother of his child! Between these extremes, what intermediate degree is he to adopt? I put this question to you at this moment,—uninfluenced by any passion as you now are, but cool and

collected, and uninterested as you must be, do you see clearly this proper and exact line, which the plaintiff should have pursued? I must question if you do. But if you did or could, must you not say, that he was the last man from whom you should expect the coolness to discover, or the steadiness to pursue it? And yet this is the outrageous and insolent defence that is put forward to you. My miserable client, when his brain was on fire, and every fiend of hell was let loose upon his heart, he should then, it seems, have placed himself before his mirror, he should have taught the stream of agony to flow decorously down his forehead; he should have composed his features to harmony; he should have writhed with grace, and groaned in melody. But look farther to this noble defendant, and his honourable defence; the wretched woman is to be successively the victim of seduction, and of slander. She, it seems, received marked attentions —here, I confess, I felt myself not a little at a loss. The witnesses could not describe what these marked attentions were, or are. They consisted, not, if you believe the witness who swore to them, in any personal approach, or contact whatsoever—nor in any unwarrantable topics of discourse. Of what materials then were they composed? Why, it seems, a gentleman had the insolence at table to propose to her a glass of wine, and she, oh most abandoned lady! instead of flying like an angry parrot at his head, and besmirching and bescratching him for his insolence, tamely and basely replies, 'port, sir, if you please.' But, gentlemen, why do I advert to this folly, this nonsense? Not surely to vindicate from censure the most innocent, and the most delightful intercourse of social kindness, or harmless and cheerful courtesy—"where virtue is, these are most virtuous." But I am soliciting your attention, and your feeling, to the mean and odious aggravation—to the unblushing and remorseless barbarity, of falsely aspersing the

wretched woman he had undone. One good he has done, he has disclosed to you the point in which he can feel; for how imperious must that avarice be, which could resort to so vile an expedient of frugality? Yes, I will say, that with the common feelings of a man, he would have rather suffered his thirty thosand a year to go as compensation to the plaintiff, than have saved a shilling of it by so vile an expedient of economy. He would rather have starved with her in a gaol, he would rather have sunk with her into the ocean, than have so vilified her,—than have so degraded himself. But it seems, gentlemen, and indeed you have been told, that long as the course of his gallantries has been, and he has grown grey in the service, it is the first time he has been called upon for damages—To how many might it have been fortunate, if he had not that impunity to boast. Your verdict will, I trust, put an end to that encouragement to guilt, that is built upon impunity—the devil it seems has saved the noble marquis harmless in the past; but your verdict will tell him the term of that indemnity is expired, that his old friend and banker has no more effects in his hands, and that if he draws any more upon him, he must pay his own bills himself. You will do much good by doing so; you may not enlighten his conscience, nor touch his heart, but his frugality will understand the hint. It will adopt the prudence of age, and deter him from pursuits, in which, though he may be insensible of shame, he will not be regardless of expense. You will do more,—you will not only punish him in his tender point, but you will weaken him in his strong one, his money. We have heard much of this noble lord's wealth, and much of his exploits, but not much of his accomplishments or his wit; I know not that his verses have soared even to the poet's corner. I have heard it said, that an ass laden with gold could find his way through the gate of the strongest city. But, gentlemen,

lighten the load upon his back, and you will completely curtail the mischievous faculty of a grave animal whose momentum lies, not in his agility, but his weight, not in the quantity of motion, but the quantity of his matter. There is another ground, on which you are called upon to give most liberal damages, and that has been laid by the unfeeling vanity of the defendant. This business has been marked by the most elaborate publicity. It is very clear that he has been allured by the glory of the chace, and not the value of the game. The poor object of his pursuit could be of no value to him, or he could not have so wantonly, and cruelly, and unnecessarily abused her. He might easily have kept this unhappy intercourse an unsuspected secret. Even if he wished for elopement, he might easily have so contrived it, that the place of her retreat would be profoundly undiscoverable; yet, though even the expense, a point so tender to his delicate sensibility, of concealing, could not be one-fortieth of the cost of publishing her, his vanity decided him in favour of glory and publicity. By that election he has in fact put forward the Irish nation, and its character, so often and so variously calumniated, upon its trial before the tribunal of the empire; and your verdict will this day decide, whether an Irish jury can feel with justice, and spirit, upon a subject that involves conjugal affection and comfort, domestic honour and repose—the certainty of issue—the weight of public opinion—the gilded and presumptuous criminality of overweening rank and station. I doubt not, but he is at this moment reclined on a silken sofa, anticipating that submissive and modest verdict, by which you will lean gently on his errors; and expecting from your patriotism, no doubt, that you will think again, and again, before you condemn any great portion of the immense revenue of a great absentee, to be detained in the nation that produced it, instead of being transmitted, as it

ought, to be expended in the splendour of another country. He is now probably waiting for the arrival of the report of this day, which I understand, a famous note-taker has been sent hither to collect. (Let not the gentleman be disturbed.) Gentlemen, let me assure you, it is more, much more the trial of you, than of the noble marquis, of which this imported recorder is at this moment collecting the materials. His noble employer is now expecting a report to the following effect: "Such a day came on to be tried at Ennis, by a special jury, the cause of Charles Massy against the most noble the marquis of Headfort. It appeared, that the plaintiff's wife was young, beautiful, and captivating. The plaintiff himself, a person, fond of this beautiful creature to distraction, and both doating on their child; but the noble marquis approached her, the plume of glory nodded on his head. Not the goddess Minerva, but the goddess Venus had lighted up his casque, "the fire that never tires—such as many a lady gay had been dazzled with before." At the first advance she trembled, at the second she struck to the redoubted son of Mars, and pupil of Venus. The jury saw it was not his fault; (it was an Irish jury) they felt compassion for the tenderness of the mother's heart, and for the warmth of the lover's passion. The jury saw on the one side, a young, entertaining gallant, on the other, a beauteous creature, of charms irresistible. They recollected, that Jupiter had been always successful in his amours, although Vulcan had not always escaped some awkward accidents. The jury was composed of fathers, brothers, husbands—but they had not the vulgar jealousy, that views little things of that sort with rigour, and wishing to assimilate their country in every respect to England, now that they are united to it, they, like English gentlemen, returned to their box with a verdict of sixpence damages and sixpence costs." Let this be sent to England. I promise you, your odious secret will

not be kept better than that of the wretched Mrs. Massy.—There is not a bawdy chronicle in London, in which the epitaph which you would have written on yourselves will not be published, and our enemies will delight in the spectacle of our precocious depravity, in seeing that we can be rotten before we are ripe. I do not suppose it, I do not, cannot, will not believe it; I will not harrow up myself with the anticipated apprehension.

There is another consideration, gentlemen, which I think most imperiously demands even a vindictive award of exemplary damages—and that is the breach of hospitality. To us peculiarly does it belong to avenge the violation of its altar. The hospitality of other countries is a matter of necessity or convention, in savage nations of the first, in polished, of the latter; *but the hospitality of an Irishman* is not the running account of posted and ledgered courtesies, as in other countries;—it springs like all his qualities, his faults, his virtues—directly from his heart. The heart of an Irishman is by nature bold, and he confides; it is tender, and he loves; it is generous, and he gives; it is social, and he is hospitable. This sacrilegious intruder has profaned the religion of that sacred altar so elevated in our worship, so precious to our devotion; and it is our privilege to avenge the crime. You must either pull down the altar, and abolish the worship, or you must preserve its sanctity undebased. There is no alternative between the universal exclusion of all mankind from your threshold, and the most rigorous punishment of him who is admitted and betrays. This defendant has been so trusted, has so betrayed, and you ought to make him a most signal example.

Gentlemen, I am the more disposed to feel the strongest indignation and abhorrence at this odious conduct of the defendant, when I consider the deplorable condition to which he has reduced the plaintiff, and perhaps the still

more deplorable one that the plaintiff has in prospect before him. What a progress has he to travel through, before he can attain the peace and tranquillity which he has lost?—How like the wounds of the body are those of the mind! how burning the fever! how painful the suppuration! how slow, how hesitating, how relapsing the process to convalescence? Through what a variety of suffering, what new scenes and changes, must my unhappy client pass, ere he can re-attain, should he ever re-attain, that health of soul of which he has been despoiled by the cold and deliberate machinations of this practised and gilded seducer? If, instead of drawing upon his incalculable wealth for a scanty retribution, you were to stop the progress of his despicable atchievements by reducing him to actual poverty, you could not even so punish him beyond the scope of his offence, nor reprise the plaintiff beyond the measure of his suffering. Let me remind you, that in this action, the law not only empowers you, but that its policy commands you, to consider the public example as well as the individual injury, when you adjust the amount of your verdict. I confess I am most anxious that you should acquit yourselves worthily upon this important occasion. I am addressing you as fathers, husbands, brothers. I am anxious that a feeling of those high relations should enter into, and give dignity to your verdict. But I confess, I feel a ten-fold solicitude when I remember that I am addressing you as my countrymen, as Irishmen, whose characters as jurors, as gentlemen, must find either honour or degradation in the result of your decision. Small as must be the distributive share of that national estimation, that can belong to so unimportant an individual as myself, yet I do own I am tremblingly solicitous for his fate. Perhaps it appears of more value to me, because it is embarked on the same bottom

with yours; perhaps the community of peril, of common safety, or common wreck, gives a consequence to my share of the risk, which I could not be vain enough to give it, if if it were not raised to it by that mutuality. But why stoop to think at all of myself, when I know that you, gentlemen of the jury, when I know that our country itself are my clients on this day, and must abide the alternative of honour, or of infamy, as you shall decide. But I will not despond, I will not dare to despond. I have every trust, and hope, and confidence in you. And to that hope I will add my most fervent prayer to the God of all truth and justice, that you may so decide, as to preserve to yourselves, while you live, the most delightful of all recollections, that of acting justly, and to transmit to your children the most precious of all inheritances, the memory of your virtue.

Mr. Curran's Character of Lord Clare under the pretence of describing Sir Constantine Phipps.

IN this very chamber did the chancellor and judges sit, with all the gravity and affected attention to arguments in favour of that liberty and those rights which they had conspired to destroy. But to what end, my lords, offer argument to such men? A little and a peevish mind may be exasperated, but how shall it be corrected by refutation? How fruitless would it have been to represent to that wretched chancellor, that he was betraying those rights which he was sworn to maintain; that he was involving a government in disgrace, and a kingdom in panic and con-

sternation; that he was violating every sacred duty, and every solemn engagement that bound him to himself, his country, his sovereign, and his God!—Alas, my lords, by what argument could any man hope to reclaim or dissuade a mean, illiberal, and unprincipled minion of authority, induced by his profligacy to undertake, and bound by his avarice and vanity to persevere? He would probably have replied to the most unanswerable arguments, by some curt, contumelious and unmeaning apophthegm, delivered with the fretful smile of irritated self-sufficiency and disconcerted arrogance; or, even if he could be dragged by his fears to a consideration of the question, by what miracle could the pigmy capacity of a stunted pedant be enlarged to a reception of the subject? The endeavour to approach it would have only removed him to a greater distance than he was before! as a little hand that strives to grasp a mighty globe is thrown back by the re-action of its own effort to comprehend.—It may be given to a Hale, or a Hardwicke, to discover and retract a mistake; the errors of such men are only specks that arise for a moment upon the surface of a splendid luminary; consumed by its heat, or irradiated by its light, they soon purge and disappear; but the perverseness of a mean and narrow intellect, are like the excrescences that grow upon a body naturally cold and dark: no fire to waste them, and no ray to enlighten, they assimilate and coalesce with those qualities so congenial to their nature, and acquire an incorrigible permanency in the union with kindred frost and kindred opacity. Nor indeed, my lords, except where the interest of millions can be affected by the folly or the vice of an individual, need it be much regretted, that, to things not worthy of being made better, it hath not pleased Providence to afford the privilege of improvement.

Description of the Ballot by Beans.

BUT, my lords, it seems all these defects in point of accusation, of defence, of trial and of judgment, as the ingenious gentlemen have argued, are cured by the magical virtue of those beans, by whose agency the whole business must be conducted.

If the law had permitted a single word to be exchanged between the parties, the learned counsel confess that much difficulty might arise in the events which I have stated; but they have found out that all these difficulties are prevented or removed by the beans and the ballot. According to these gentlemen, we are to suppose one of those unshaven demagogues, whom the learned counsel have so humourously described, rising in the commons when the name of alderman James is sent down; he begins by throwing out a torrent of seditious invective against the servile profligacy and liquorish venality of the board of aldermen—this he does by beans:—having thus previously inflamed the passions of his fellows, and somewhat exhausted his own, his judgment collects the reins that floated on the neck of his imagination, and he becomes grave, compressed, sententious, and didactic; he lays down the law of personal disability, and corporate criminality, and corporate forfeiture, with great precision, with sound emphasis and good discretion, to the great delight and edification of the assembly—and this he does by beans.—He then proceeds, my lords, to state the specific charge against the unfortunate candidate for approbation, with all the artifice of malignity and accusation; scalding the culprit

in tears of affected pity, bringing forward the blackness of imputed guilt through the varnish of simulated commiseration; bewailing the horror of his crime, that he may leave it without excuse; and invoking the sympathy of his judges, that he may steel them against compassion—and this, my lords, the unshaved demagogue doth by beans. The accused doth not appear in person, for he cannot leave his companions, nor by attorney, for his attorney could not be admitted—but he appears and defends by beans. At first, humble and deprecatory, he conciliates the attention of his judges to his defence, by giving them to hope that it may be without effect; he does not alarm them by any indiscreet assertion that the charge is false, but he slides upon them arguments to shew it improbable; by degrees, however, he gains upon the assembly, and denies and refutes, and recriminates and retorts—all by beans,—until at last he challenges his accuser to a trial, which is accordingly had, in the course of which the depositions are taken, the facts tried, the legal doubts exposed and explained—by beans;—and in the same manner the law is settled with an exactness and authority that remains a record of jurisprudence, for the information of future ages; while at the same time the "harmony" of the metropolis is attuned by the marvellous temperament of jarring discord; and the "good will" of the citizens is secured by the indissoluble bond of mutual crimination, and reciprocal abhorrence.

By this happy mode of decision, one hundred and forty-six causes of rejection (for of so many do the commons consist, each of whom must be entitled to allege a distinct cause) are tried in the course of a single day with satisfaction to all parties.

With what surprise and delight must the heart of the fortunate inventor have glowed, when he discovered those wonderful instruments of wisdom and of eloquence, which,

without being obliged to commit the precious extracts of science, or persuasion, to the faithless and fragile vehicles of words or phrases, can serve every process of composition or abstraction of ideas, and every exigency of discourse or argumentation, by the resistless strength and infinite variety of beans, white, or black, or boiled, or raw; displaying all the magic of their powers in the mysterious exertion; of dumb investigation, and mute discussion; of speechless objection, and tongue-tied refutation!

Nor should it be forgotten, my lords, that this noble discovery does no little honour to the sagacity of the present age, by explaining a doubt that has for so many centuries perplexed the labour of philosophic enquiry; and furnishing the true reason why the pupils of Pythagoras were prohibited the use of beans: it cannot, I think, my lords, be doubted, that the great author of the metempsychosis found out that those mystic powers of persuasion, which vulgar naturalists supposed to remain lodged in minerals, or fossils, had really transmigrated into beans; and he could not, therefore, but see that it would have been fruitless to preclude his disciples from mere oral babbling, unless he had also debarred them from the indulgence of vegetable loquacity.

Description of the Pension List.

THIS polyglot of wealth, this museum of curiosities, the pension list, embraces every link in the human chain, every description of men, women, and children, from the exalted excellence of a Hawke or a Rodney, to the debased situation of the lady who humbleth herself that she may be exalted. But the lessons it inculcates form its greatest perfection:—

it teacheth, that sloth and vice may eat that bread which virtue and honesty may starve for after they had earned it. It teaches the idle and dissolute to look up for that support which they are too proud to stoop and earn. It directs the minds of men to an entire reliance on the ruling power of the state, who feed the ravens of the royal aviary, that cry continually for food. It teaches them to imitate those saints on the pension list that are like the lilies of the field—they toil not, neither do they spin, and yet are arrayed like Solomon in his glory. In fine, it teaches a lesson which indeed they might have learned from Epictetus—that it is sometimes good not to be over virtuous: it shews, that in proportion as our distresses increase, the munificence of the crown increases also—in proportion as our clothes are rent, the royal mantle is extended over us.

But notwithstanding that the pension list, like charity, covers a multitude of sins, give me leave to consider it as coming home to the members of this house—give me leave to say, that the crown, in extending its charity, its liberality, its profusion, is laying a foundation for the independence of parliament; for hereafter, instead of orators or patriots accounting for their conduct to such mean and unworthy persons as freeholders, they will learn to despise them, and look to the first man in the state, and they will by so doing have this security for their independence, that while any man in the kingdom has a shilling they will not want one.

Anticipation of the Consequences to Ireland of an Union with Great Britain.

I AM sorry to think it is so very easy to conceive, that in case of such an event the inevitable consequence would be, AN UNION WITH GREAT BRITAIN. And if any one desires

to know what that would be, I will tell him: IT WOULD BE THE EMIGRATION OF EVERY MAN OF CONSEQUENCE FROM IRELAND; IT WOULD BE THE PARTICIPATION OF BRITISH TAXES WITHOUT BRITISH TRADE; IT WOULD BE THE EXTINCTION OF THE IRISH NAME AS A PEOPLE. WE SHOULD BECOME A WRETCHED COLONY, PERHAPS LEASED OUT TO A COMPANY OF JEWS, AS WAS FORMERLY IN CONTEMPLATION, AND GOVERNED BY A FEW TAX-GATHERERS AND EXCISEMEN, UNLESS POSSIBLY YOU MAY ADD FIFTEEN OR TWENTY COUPLE OF IRISH MEMBERS, WHO MIGHT BE FOUND EVERY SESSION SLEEPING IN THEIR COLLARS UNDER THE MANGER OF THE BRITISH MINISTER.

PANEGYRIC ON THE CONSTITUTION OF ENGLAND.

I PUT it to your oaths; do you think, that a blessing of that kind, that a victory obtained by justice over bigotry and oppression, should have a stigma cast upon it by an ignominious sentence upon men bold and honest enough to propose that measure? to propose the redeeming of religion from the abuses of the church, the reclaiming of three millions of men from bondage, and giving liberty to all who had a right to demand it; giving, I say, in the so much censured words of this paper, giving "UNIVERSAL EMANCIPATION!" I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from British soil; which proclaims even to the stranger and sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy, and consecrated by the Genius of UNIVERSAL EMANCIPATION.

No matter in what language his doom may have been pronounced;—no matter what complexion incompatible with freedom, an Indian or an African sun may have burnt upon him;—no matter in what disastrous battle his liberty may have been cloven down;—no matter with what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain, the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains, that burst from around him, and he stands redeemed, regenerated, and disenthralled, by the irresistible Genius of UNIVERSAL EMANCIPATION.

The Liberty of the Press.

I DO not complain of this act as any infraction of popular liberty; I should not think it becoming in me to express any complaint against a law, when once become such. I observe only, that one mode of popular deliberation is thereby taken utterly away, and you are reduced to a situation in which you never stood before. You are living in a country, where the constitution is rightly stated to be only ten years old; where the people have not the ordinary rudiments of education. It is a melancholy story, that the lower orders of the people here have less means of being enlightened than the same class of people in any other country. If there be no means left by which public measures can be canvassed, what will be the consequence? Where the press is free and discussion unrestrained, the mind, by the collision of intercourse, gets rid of its own asperities, a sort of insensible perspiration takes place in the body politic,

by which those acrimonies, which would otherwise fester and inflame, are quietly dissolved and dissipated. But now, if any aggregate assembly shall meet, they are censured; if a printer publishes their resolutions, he is punished. Rightly to be sure in both cases, for it has been lately done. If the people say, let us not create tumult, but meet in delegation, they cannot do it; if they are anxious to promote parliamentary reform in that way, they cannot do it; the law of the last session has for the first time declared such meetings to be a crime. What then remains? The liberty of the press ONLY; that sacred palladium, which no influence, no power, no minister, no government, which nothing but the depravity, or folly, or corruption of a jury, can ever destroy. And what calamities are the people saved from by having public communication left open to them? I will tell you, gentlemen, what they are saved from, and what the government is saved from; I will tell you also to what both are exposed by shutting up that communication. In one case sedition speaks aloud, and walks abroad; the demagogue goes forth; the public eye is upon him; he frets his busy hour upon the stage; but soon either weariness, or bribe or punishment, or disappointment, bears him down, or drives him off, and he appears no more. In the other case, how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the flame. If you doubt of the horrid consequences of suppressing the effusion even of individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints. Even the person of the despot there is never in safety. Neither the fears of the despot, nor the machinations of the slave have any slumber, the one anticipating the moment of peril, the other watching the

opportunity of aggression. The fatal crisis is equally a surprise upon both; the decisive instant is precipitated without warning, by folly on the one side, or by phrensy on the other, and there is no notice of the treason till the traitor acts. In those unfortunate countries (one cannot read it without horror) there are officers, whose province it is, to have the water, which is to be drunk by their rulers, sealed up in bottles, lest some wretched miscreant should throw poison into the draught.

But, gentlemen, if you wish for a nearer and more interesting example, you have it in the history of your own revolution; you have it at that memorable period, when the monarch found a servile acquiescence in the ministers of his folly; when the liberty of the press was trodden under foot; when venal sheriffs returned packed juries to carry into effect those fatal conspiracies of the few against the many; when the devoted benches of public justice were filled by some of those foundlings of fortune, who, overwhelmed in the torrent of corruption at an early period, lay at the bottom like drowned bodies, while soundness or sanity remained in them; but at length becoming buoyant by putrefaction, they rose as they rotted, and floated to the surface of the polluted stream, where they were drifted along, the objects of terror, and contagion, and abomination.

In that awful moment of a nation's travail; of the last gasp of tyranny, and the first breath of freedom, how pregnant is the example? The press extinguished, the people enslaved, and the prince undone. As the advocate of society, therefore of peace, of domestic liberty, and the lasting union of the two countries, I conjure you to guard the liberty of the press, that great centinel of the state, that grand detector of public imposture: guard it, because, when it sinks, there sinks with it, in one common grave, the liberty of the subject, and the security of the crown.

Peroration to his Speech in Defence of Mr. Rowan.

I CANNOT, however, avoid averting to a circumstance that distinguishes the case of Mr. Rowan from that of the late sacrifice in a neighbouring kingdom.*

The severer law of that country, it seems, and happy for them that it should, enables them to remove from their sight the victim of their infatuation. The more merciful spirit of our law deprives you of that consolation; his sufferings must remain for ever before our eyes, a continual call upon your shame and your remorse. But those sufferings will do more; they will not rest satisfied with your unavailing contrition, they will challenge the great and paramount inquest of society: the man will be weighed against the charge, the witness, and the sentence; and impartial justice will demand, why has an Irish jury done this deed? The moment he ceases to be regarded as a criminal, he becomes of necessity an accuser: and let me ask you, what can your most zealous defenders be prepared to answer to such a charge? When your sentence shall have sent him forth to that stage, which guilt alone can render infamous, let me tell you, he will not be like a little statue upon a mighty pedestal, diminishing by elevation, but he will stand a striking and imposing object upon a monument, which, if it does not (and it cannot) record the atrocity of his crime, must record the atrocity of his conviction. Upon this subject, therefore,

* Scotland, from whence Messrs. Muir, Palmer, and others, were transported for sedition.

credit me when I say, that I am still more anxious for you, than I can possibly be for him. I cannot but feel the peculiarity of your situation. Not the jury of his own choice, which the law of England allows, but which ours refuses; collected in that box by a person, certainly no friend to Mr. Rowan, certainly not very deeply interested in giving him a very impartial jury. Feeling this, as I am persuaded you do, you cannot be surprized, however you may be distressed, at the mournful presage, with which an anxious public is led to fear the worst from your possible determination. But I will not for the justice and honour of our common country, suffer my mind to be borne away by such melancholy anticipation. I will not relinquish the confidence that this day will be the period of his sufferings; and, however mercilessly he has been hitherto pursued, that your verdict will send him home to the arms of his family, and the wishes of his country. But if, which heaven forbid, it hath still been unfortunately determined, that because he has not bent to power and authority, because he would not bow down before the golden calf and worship it, he is to be bound and cast into the furnace; I do trust in God, that there is a redeeming spirit in the constitution, which will be seen to walk with the sufferer through the flames, and to preserve him unhurt by the conflagration.

Denunciation of O'Brien, an Informer.

HAVE you any doubt that it is the object of O'Brien to take down the prisoner for the reward that follows? Have you not seen with what more than instinctive keenness this blood-hound has pursued his victim? how he has kept him

in view from place to place until he hunts him through the avenues of the court to where the unhappy man stands now, hopeless of all succour but that which your verdict shall afford? I have heard of assassination by sword, by pistol, and by dagger, but here is a wretch who would dip the evangelists in blood—if he thinks he has not sworn his victim to death, he is ready to swear, without mercy and without end; but oh! do not, I conjure you, suffer him to take an oath; the arm of the murderer should not pollute the purity of the gospel; if he will swear, let it be on the knife, the proper symbol of his profession!

Appeal to the Jury in Defence of Mr. Finnerty for publishing Observations on the Trial of William Orr.

BUT, gentlemen, in order to bring this charge of insolence and vulgarity to the test, let me ask you, whether you know of any language which could have adequately described the idea of mercy denied, where it ought to have been granted, or of any phrase vigorous enough to convey the indignation which an honest man would have felt upon such a subject? Let me beg of you for a moment to suppose that any one of you had been the writer of this very severe expostulation with the viceroy, and that you had been the witness of the whole progress of this never-to-be-forgotten catastrophe. Let me suppose that you had known the charge upon which Mr. Orr was apprehended, the charge of abjuring that bigotry which had torn and disgraced his country, of pledging himself to restore the people of his country to their place in the constitution, and of binding

himself never to be the betrayer of his fellow-labourers in that enterprise; that you had seen him upon that charge removed from his industry, and confined in a gaol; that through the slow and lingering progress of twelve tedious months you had seen him confined in a dungeon, shut out from the common use of air and of his own limbs; that day after day you had marked the unhappy captive cheered by no sound but the cries of his family, or the clinking of chains; that you had seen him at last brought to his trial; that you had seen the vile and perjured informer deposing against his life; that you had seen the drunken, and worn out and terrified jury give in a verdict of death; that you had seen the same jury, when their returning sobriety had brought back their conscience, prostrate themselves before the humanity of the bench, and pray that the mercy of the crown might save their characters from the reproach of an involuntary crime, their consciences from the torture of eternal self-condemnation, and their souls from the indelible stain of innocent blood. Let me suppose that you had seen the respite given, and that contrite and honest recommendation transmitted to that seat where mercy was presumed to dwell; that new and before unheard of crimes are discovered against the informer; that the royal mercy seems to relent, and that a new respite is sent to the prisoner; that time is taken, as the learned counsel for the crown has expressed it, to see whether mercy could be extended or not! that, after that period of lingering deliberation passed, a third respite is transmitted; that the unhappy captive himself feels the cheering hope of being restored to a family that he had adored, to a character that he had never stained, and to a country that he had ever loved; that you had seen his wife and children upon their knees, giving those tears to gratitude, which their locked and frozen hearts could not give to anguish and despair, and imploring the blessings of eternal

providence upon his head, who had graciously spared the father, and restored him to his children; that you had seen the olive branch sent into his little ark, but no sign that the waters had subsided. "Alas! nor wife, nor children more shall he behold, nor friends, nor sacred home!" No seraph mercy unbars his dungeon, and leads him forth to light and life; but the minister of death hurries him to the scene of suffering and of shame; where, unmoved by the hostile array of artillery and armed men collected together, to secure, or to insult, or to disturb him, he dies with a solemn declaration of his innocence, and utters his last breath in a prayer for the liberty of his country. Let me now ask you, if any of you had addressed the public ear upon so foul and monstrous a subject, in what language would you have conveyed the feelings of horror and indignation?—would you have stooped to the meanness of qualified complaint?—would you have been mean enough?—but I entreat your forgiveness—I do not think meanly of you; had I thought so meanly of you, I could not suffer my mind to commune with you as it has done; had I thought you that base and vile instrument, attuned by hope and by fear into discord and falsehood, from whose vulgar string no groan of suffering could vibrate, no voice of integrity or honour could speak, let me honestly tell you, I should have scorned to fling my hand across it; I should have left it to a fitter minstrel; if I do not therefore grossly err in my opinion of you, I could use no language upon such a subject as this, that must not lag behind the rapidity of your feelings, and that would not disgrace those feelings, if it attempted to describe them.

Gentlemen, I am not unconscious that the learned counsel for the crown seemed to address you with a confidence of a very different kind; he seemed to expect from you a kind and respectful sympathy with the feelings of the castle, and with the griefs of chided authority. Perhaps, gentlemen, he

may know you better than I do; if he does, he has spoken to you as he ought; he has been right in telling you that if the reprobation of this writer is weak, it is because his genius could not make it stronger; he has been right in telling you that his language has not been braided and festooned as elegantly as it might, that he has not pinched the miserable plaits of his phraseology, nor placed his patches and feathers with that correctness of millinery which became so exalted a person. If you agree with him, gentlemen of the jury, if you think that the man, who ventures at the hazard of his own life to rescue from the deep the drowned honour of his country, must not presume upon the guilty familiarity of plucking it up by the locks, I have no more to say; do a courteous thing. Upright and honest jurors, find a civil and obliging verdict against the printer! And when you have done so march through the ranks of your fellow citizens to your own homes, and bear their looks as they pass along; retire to the bosom of your families and your children, and when you are presiding over the morality of the parental board, tell those infants who are to be the future men of Ireland, the history of this day. Form their young minds by your precepts and confirm those precepts by your own example; teach them how discreetly allegiance may be perjured on the table, or loyalty be foresworn in the jury-box; and when you have done so, tell them the story of Orr; tell them of his captivity, of his children, of his crime, of his hopes, of his disappointments, of his courage and of his death; and when you find your little hearers hanging from your lips, when you see their eyes overflow with sympathy and sorrow, and their young hearts bursting with the pangs of anticipated orphanage, tell them that you had the boldness and the justice to stigmatize the monster—who had dared to publish the transaction!

Picture of an Informer.

BUT the learned gentleman is further pleased to say, that the traverser has charged the government with the encouragement of informers. This, gentlemen, is another small fact that you are to deny at the hazard of your souls, and upon the solemnity of your oaths. You are upon your oaths to say to the sister country, that the government of Ireland uses no such abominable instruments of destruction as informers. Let me ask you honestly, what do you feel, when in my hearing, when in the face of this audience, you are called upon to give a verdict that every man of us, and every man of you know by the testimony of your own eyes to be utterly and absolutely false? I speak not now of the public proclamation of informers with a promise of secrecy and of extravagant reward; I speak not of the fate of those horrid wretches who have been so often transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen day after day during the course of this commission from the box where you are now sitting; the number of horrid miscreants who avowed upon their oaths that they had come from the very seat of government—from the castle, where they had been worked upon by the fear of death and the hopes of compensation, to give evidence against their fellows, that the mild and wholesome councils of this government, are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness.

Is this fancy, or is it fact? Have you not seen him, after his resurrection from that tomb, after having been dug out of the region of death and corruption, make his appearance upon the table, the living image of life and of death, and the supreme arbiter of both? Have you not marked when he entered, how the stormy wave of the multitude retired at his approach? Have you not marked how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential horror? How his glance, like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death; a death which no innocence can escape, no art elude, no force resist, no antidote prevent:—there was an antidote—a juror's oath—but even that adamantine chain, that bound the integrity of man to the throne of eternal justice, is solved and melted in the breath that issues from the informer's mouth; conscience swings from her moorings, and the appalled and affrighted juror consults his own safety in the surrender of the victim:—

Et quæ sibi quisque timebat,———
Unius in miseri exitium conversa tulere.

Appeal on the Consequences of a Bill of Attainder.

ONE topic more, you will permit me to add.—Every act of the sort ought to have a practical morality flowing from its principle: if loyalty and justice require that these infants should be deprived of bread! must it not be a violation of that principle to give them food or shelter? must not every

loyal and just man wish to see them, in the words of the famous Golden Bull, "always poor and necessitous, and for ever accompanied by the infamy of their father, languishing in continued indigence, and finding their punishment in living and their relief in dying."

If the widowed mother should carry the orphan heir of her unfortunate husband to the gate of any man, who might feel himself touched with the sad vicissitudes of human affairs; who might feel a compassionate reverence for the noble blood that flowed in his veins; *nobler than the royalty that first ennobled it:* that like a rich stream rose till it ran and hid its fountain:—If, remembering the many noble qualities of his unfortunate father, his heart melted over the calamities of the child, if his heart swelled, if his eyes overflowed, if his too precipitated hand was stretched out by his pity, or his gratitude, to the poor excommunicated sufferers, how could he justify the *rebel tear*, or *the traiterous humanity?*

Description of Bigotry.

I NO longer behold the ravages of that odious bigotry by which we were deformed, and degraded, and disgraced—a bigotry against which no honest man should ever miss an opportunity of putting his countrymen, of all sects and of all descriptions, upon their guard—it is the accursed and promiscuous progeny of servile hypocrisy, of remorseless lust of power—of insatiate thirst of gain—labouring for the destruction of man, under the specious pretences of religion—her banner stolen from the altar of God, and her allies congregated from the abysses of hell, she acts by

votaries to be restrained by no compunctions of humanity—for they are dead to mercy; to be reclaimed by no voice of reason—for refutation is the bread on which their folly feeds—they are outlawed alike from their species and their Creator; the object of their crime is social life—and the wages of their sin is social death—for though it may happen that a guilty individual should escape from the law that he has broken, it cannot be so with nations—their guilt is too unwieldy for such escape—they may rest assured that Providence has, in the natural connexion between causes and their effects, established a system of retributive justice, by which the crimes of nations are sooner or later avenged by their own inevitable consequences. But that hateful bigotry—that baneful discord, which fired the heart of man, and steeled it against his brother, has fled at last, and I trust for ever.

Character of Lord Avonmore.

I AM not ignorant, my lords, that this extraordinary construction has received the sanction of another court, nor of the surprise and dismay with which it smote upon the general heart of the bar. I am aware that I may have the mortification of being told in another country of that unhappy decision, and I foresee in what confusion I shall hang down my head when I am told it. But I cherish too the consolatory hope, that I shall be able to tell them that I had an old and learned friend, whom I would put above all the sweepings of their hall, who was of a different opinion; who had derived his ideas of civil liberty from the purest fountains of Athens and of Rome; who had fed the youthful vigour of his studious mind, with the theoretic knowledge of their wisest philosophers and statesmen; and who had refined the

theory into the quick and exquisite sensibility of moral instinct, by contemplating the practice of their most illustrious examples; by dwelling on the sweet soul'd piety of Cimon; on the anticipated christianity of Socrates; on the gallant and pathetic patriotism of Epaminondas; on that pure austerity of Fabricius, whom to move from his integrity would have been more difficult than to have pushed the sun from his course. I would add, that if he had seemed to hesitate, it was but for a moment: that his hesitation was like the passing cloud that floats across the morning sun, and hides it from the view, and does so for a moment hide it by involving the spectator without even approaching the [illegible] of the luminary: And this soothing hope I draw from [illegible] rest and tenderest recollections of my life, from the [illegible] brance of those attic nights and those refections of the [illegible] hich we have spent with those admired and respected [illegible] loved companions who have gone before us;—over [illegible] ashes the most precious tears of Ireland have been [illegible] yes, my good lord, I see you do not forget them; I [illegible] eir sacred forms passing in sad review before your [illegible] ry; I see your pained and softened fancy recalling [illegible] happy meetings, when the innocent enjoyment of social [illegible] expanded into the nobler warmth of social virtue; and the horizon of the board became enlarged into the horizon of man;—when the swelling heart conceived and communicated the pure and generous purpose,—when my slenderer [illegible] taper imbibed its borrowed light from the more [illegible] natured and redundant fountain of yours. Yes, my lord, we can remember those nights without any other regret than that they can never more return, for

"We spent them not in toys, or lust, or wine:
"But search of deep philosophy,
"Wit, eloquence and poesy,
"Arts, which I lov'd, for they, my friend, were thine."

Character of Reynolds the Informer.

ARE you prepared in a case of life and death, of honour and of infamy, to credit a vile informer? The perjurer of one hundred oaths—whom pride, honour, or religion could not bind! the forsaken prostitute of every vice calls on you with one breath to blast the memory of the dead, and blight the character of the living! Do you think Reynolds to be a villain? It is true he dresses like a gentleman, and the confident expression of his countenance, and the tones of his voice, *savour strong of growing authority*—he measures his value by the coffins of his victims, and in the field of evidence appreciates his fame, as the Indian warrior does in fight, by the number of the scalps with which he can swell his victory! He calls on you by the solemn league of God's justice, to accredit the purity of a conscience washed in its own atrocities! He has promised and betrayed—he has sworn and forsworn—and whether his soul shall go to heaven or to hell, he seems perfectly indifferent, for he tells you he has established an interest in both places! He has told you that he has pledged himself to treason and allegiance, and both oaths has he contemned and broken. At this time, when reason is affrighted from her seat, and giddy prejudice takes the reins—when the wheels of society are set in conflagration by the rapidity of their own motion—at such a time does he call upon a jury in Heaven's name, to accredit a testimony blasted by his own accusation! Vile, however, as this execrable informer must feel himself, history, alas! holds out but too much encouragement to his hopes—for however base and however perjured, I recollect few in-

stances between the subject and the crown, where informers have not cut keen and rode awhile triumphant upon public prejudice. I know of no instance where the edge of the informer's testimony has not been fatal, or only blunted by the extent of its execution, after he has retired from public view, hid beneath the heap of his own carnage. I feel, gentlemen, I ought to apologize to Mr. Reynolds for placing him in this point of view, for I frankly own I have no authority save his own accusation.

Henry Grattan Esq.

MR. GRATTAN.

HENRY GRATTAN was born in Dublin in the year 1751.—His family though not opulent were respectable, and he was fated not only to give them wealth but immortality. After receiving the most liberal education which his country could afford, he was called to the Irish bar; to the routine of which, however, his talents or his inclination were little suited. Through the influence of the late Earl of Charlemont, he was soon elevated to an higher station and gained a voice in the councils of his country. Here it was that his abilities were first developed—at once distinguishing himself, dignifying his patron, and adding to his own fame the full emancipation of his native land. It is impossible to conceive a state more abject than that of Ireland when Mr. Grattan first entered parliament. Night and day he toiled for her deliverance; nor did his efforts cease or relax

till he raised her to a complete participation in all the benefits of the British constitution. A vote of that house*, which he at once liberated and delighted, by putting him in possession of an ample independence, discharged some small portion of the debt which Ireland owed a man who had, for her sake, uniformly disregarded every personal consideration. Never was there a patriot more splendid and persevering—never was there success more perfect—and never, while Ireland has an head to think, or an heart to feel, can his constellated life be held but in veneration. To say thus much of Mr. GRATTAN is only justice—to say much more of him will be the bounden duty of those who may survive him; and his future historian will have the delightful duty of intertwining the virtues of a private life with the unfading honours of his public character.

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* The Irish House of Commons voted Mr. Grattan a grant of fifty thousand pounds.

IRISH ELOQUENCE.

Mr. Grattan's Speech on the Commercial Propositions.

SIR, I can excuse the right honourable member who moves you for leave to bring in the bill. He is an Englishman, and contends for the power of his own country, while I am contending for the liberty of mine: he might have spared himself the trouble of stating his own bill. I read it before, I read it in the twenty resolutions, I read it in the English bill, which is to all intents and purposes the same; and which he might read without the trouble of resorting to his own. His comment is of little moment; a lord lieutenant's secretary is an unsafe commentator on an Irish constitution; the former merit of the right honourable gentleman, in pressing for the original Propositions and contending against the present, which he now supports, may have been very great, and I am willing to thank him for his past services; they may be a private consolation to himself. No more.—I differ from him in his account of this transaction. He was pledged to his eleven propositions; his offer was the propositions; our's the taxes; he took the latter, but forgets the former. I leave both, and come to his system. Here it becomes necessary to go back a little.—I begin with your free trade obtained in 1779: By that you recovered your right to trade with every part of the world, whose ports were

open to you, subject to your own unstipulated duties, the British plantations only excepted; by that you obtained the benefit of your insular situation, the benefit of your western situation, and the benefit of your exemption from intolerable taxes. What these advantages might be, no man could say; but any man who had seen the struggle you had made during a century of depression, could foresee, that a spirit of industry, operating upon a state of liberty in a young nation, must, in the course of time, produce signal advantages; the sea is like the earth, to non-exertion a waste, to industry a mine; this trade was accompanied with another, a plantation trade: in this, you retained your right to trade directly with the British plantations directly in each and every other article, subject to the rate of British duty; by this, you obtained a right to select the article, so that the general trade should not hang on the special conformity; and by this, you did not covenant to affect, exclude, or postpone the produce of foreign plantations. The reason was obvious; you demanded two things, a free trade and a plantation trade; had the then minister insisted on a covenant to exclude the produce of foreign plantations, he had given you a plantation trade instead of a free trade, (whereas your demand was both) and his grant had been inadequate, unsatisfactory, and inadmissible.—These points of trade being settled, a third, in the opinion of some, remained; namely, the intercourse with England or the channel trade.—A successful political campaign, an unsuccessful harvest, the poverty of not a few, together with the example of England, brought forward, in the year 1783, a number of famishing manufacturers with a demand of protecting duties; the extent of their demand was idle, the manner of conveying that demand tumultuary; but not being wholly resisted, nor yet adequately assisted, they laid the foundation of another plan, which made its appearance in 1785, opposite, indeed, to their wishes, and fatal to

their expectation: this was the system of reciprocity; a system fair in its principle, and in process of time likely to be beneficial, but not likely to be of any great present advantage, other than by stopping the growth of demand, allaying a commercial fever, and producing settlement and incorporation with the people of England; this system was founded on the only principle which could obtain between two independent nations, equality; and the equality consisted in similarity of duty; now, as the total abatement of duties on both sides had driven the Irishman out of his own market, as the raising our duties to the British standard had driven the Englishman out of the Irish market, a third method was resorted to, the abatement of British duty to the Irish standard: but then this equality of duty was inequality of trade; for as the Englishman, with that duty against him, had beaten you in the Irish market, with that duty in his favour he must keep you out of the English; so that under this arrangement the English manufacturer continued protected, and the Irish manufacturer continued exposed; and the abatement of duty was no more than disarming the argument of retaliation. Had the arrangement stopped here, it had been unjust indeed, but as Ireland was to covenant that she would not raise her duties on British manufactures, England on her part was to covenant, that she would not diminish her preference in favour of Irish linen; and the adjustment amounted to a covenant, that neither country in their respective markets would affect the manufacture of the other by any operative alteration of duty; however, the adjustment did not stop at the home manufacture, it went to plantation produce; and here you stood on two grounds, law and justice; law, because you only desired that the same words of the same act of navigation should have the same construction on one side the channel as they have on the other; how they have ever borne a different one, I cannot conceive,

otherwise than by supposing that in your ancient state of dependency you were not intitled to the common benefit of the mother tongue; the answer to this argument was unsatisfactory, that England had altered the law; but if England had so altered the law, it ceased to impose the same restrictions and confer the same advantages, and then a doubt might arise whether the act of navigation was the law of Ireland, so that you seemed entitled to the construction or free from the act; now it is of more consequence to England that you should be bound by the act of navigation, than to Ireland to have the benefit of the fair construction of it.—But you stood on still better ground, justice; was it just that you should receive plantation goods from England, and that England should not receive them from you? here if you do not find the law equal, you may make it so; for as yet you are a free parliament.

I leave this part of the subject, equality of duty but no present equality of trade. I come to that part of the adjustment which is inequality of both; and first, that part which relates to the primum of your manufactures. When the original propositions were argued, gentlemen exclaimed, "England reserves her wool, and Ireland does not reserve her woollen yarn; it was answered, "Ireland may if she pleases." What will those gentlemen now say, when England reserves both;—the primum of her manufactures, and of yours; and not only woollen yarn but linen yarn, hides, &c.? To tell me that this exportation is beneficial to Ireland is to tell me nothing; the question is not about stopping the export, but giving up the regulation, in instances where England retains the power of regulation, and the act of prohibition. To tell me that this exportation is necessary for England, is to tell me nothing, but that you are material to England, and, therefore, should have obtained at least equal terms. I own, to assist the manufactures of Great Britain

as far as is not absolutely inconsistent with those of Ireland is to me an object; but still the difference recurs; she is not content with voluntary accommodation on your part, but exacts perpetual export from you in the very article in which she retains absolute prohibition—no new prohibition—every prohibition beneficial to England was laid before—none in favour of Ireland. Ireland till 1779 was a province, and every province is a victim; your provincial state ceased; but before the provincial regulations are done away, this arrangement establishes a principle of *uti possidetis*, that is, Great Britain shall retain all her advantages, and Ireland shall retain all her disadvantages. But I leave this part of the adjustment where reciprocity is disclaimed in the outset of treaty and the rudiment of manufacture; I come to instances of more striking inequality, and first, your situation in the East. You are to give a monopoly to the present or any future East-India Company during its existence, and to the British nation for ever after. It has been said that the Irishman in this is in the same situation as the Englishman, but there is this difference, the difference between having and not having the trade; the British parliament has judged it most expedient for Great Britain to carry on her trade to the East, by an exclusive company; the Irish parliament is now to determine it most expedient for Ireland to have no trade at all in these parts. This is not a surrender of the political rights of the constitution, but of the natural rights of man; not of the privileges of parliament, but of the rights of nations,—not to sail beyond the Cape of Good Hope and the Straights of Magellan, an awful interdict! Not only European settlements, but neutral countries excluded, and God's Providence shut out in the most opulent boundaries of creation; other interdicts go to particular places for local reasons, because they belong to certain European states; but here are neutral regions forbidden, and a path prescribed

to the Irishman on open sea. Other interdicts go to a determinate period of time, but here is an eternity of restraint; you are to have no trade at all during the existence of any company, and no free trade to those countries after its expiration; this resembles rather a judgment of God than an act of the legislature, whether you measure it by immensity of space or infinity of duration, and has nothing human about it except its presumption.

What you lose by this surrender, what you forfeit by giving up the possibility of intercourse with so great a proportion of the inhabited globe, I cannot presume to say; but this I can say, that gentlemen have no right to argue from present want of capital against future trade, nor to give up their capacity to trade, because they have not yet brought that capacity into action, still less they have a right to do so without the shadow of compensation, and least of all on the affected compensation which, trifling with your understanding as well as interest, suffers a vessel to go to the West, in its way to the East. I leave this uncompensated surrender—I leave your situation in the East, which is blank—I leave your situation in the East, which is the surrender of trade itself; and I come to your situation in the West, which is a surrender of its freedom. You are to give a monopoly to the British plantations at their own taxes; before, you did so only in certain articles, with a power of selection, and then only as long as you pleased to conform to the condition, and without any stipulation to exclude foreign produce. It may be very proper to exclude foreign produce by your own temporary laws, and at your own free will and option, but now you are to covenant to do so for ever, and you give to the English, West as well as East, an eternal monopoly for their plantation produce, in the taxing and regulating of which you have no sort of deliberation or interference, and over which Great Britain has a complete supremacy. Here

you will consider the advantage you receive from that monopoly, and judge how far it may be expedient to set up against yourselves that monopoly for ever; there is scarcely an article of the British plantation that is not out of all proportion dearer than the same article is in any other part of the globe, nor any other article that is not produced elsewhere, for some of which articles you might establish a mart for your manufactures. Portugal, for instance, capable of being a better market for our drapery than Great Britain; this enormity of price is aggravated by an enormity of tax; what then is this covenant? to take these articles from the British plantations, and from none other, at the present high rates and taxes, and to take them at all times to come, subject to whatever further rates and taxes the parliament of Great Britain shall enact. Let me ask you, why did you refuse Protecting Duties to your own people? because they looked like a monopoly; and will you give to the East-India merchant, and the West-India planter, something more?—a monopoly where the monopolist is in some degree the lawgiver.—The principle of equal duty or the same restriction is not the shadow of security; to make such a principle applicable to the objects must be equal, but here the objects are not only dissimilar but opposite; the condition of England is great debt and greater capital, great incumbrance, but still greater abilities; the condition of Ireland, little capital but a small debt, poverty but exemption from intolerable taxes. Equal burdens will have opposite effects, they will fund the debt of one country and destroy the trade of the other; high duties will take away your resource, which is exemption from them; but will be a fund for Great Britain: thus the colony principle in its extent is dangerous to a very great degree. Suppose Great Britain should raise her colony duties to a still greater degree, to answer the exigency of some future war, or to fund her pre-

sent debt, you must follow; for by this bill you would have no option in foreign trade; you must follow, not because you wanted the tax, but lest your exemption from taxes should give your manufactures any comparative advantage. Irish taxes are to be precautions against the prosperity of Irish manufactures! You must follow, because your taxes here would be no longer measured by the wants of the country or the interest of her commerce, because we should have instituted a false measure of taxation; the wants and the riches of another country, which exceeds you much in wants, but infinitely more in riches. I fear we should have done more; we should have made English jealousy the barometer of Irish taxes:—Suppose this country should in any degree establish a direct trade with the British plantations; suppose the apprehensions of the British manufacturers in any degree realized, they may dictate your duties, they may petition the British parliament to raise certain duties, which shall not affect the articles of their intercourse, but may stop yours; or, which shall affect the articles of their intercourse a little and annihilate yours; thus they may, by one and the same duty, raise a revenue in England, and destroy a rival in Ireland. Camblets are an instance of the former, and every valuable plantation import an instance of the latter; your option in foreign trade had been a restraint on England, or a resource to Ireland; but under this adjustment you give up your foreign trade, and confine yourself to that which you must not presume to regulate. The exclusion of foreign plantation produce would seem sufficient, for every purpose of power and domination, but to aggravate, and it would seem, to insult, the independent States of North America are most ungraciously brought into this arrangement, as if Ireland was a British colony, or North America continued a part of the British dominion; by the resolutions almost all the produce of North America was to be imported to Ire-

land, subject to British duties; the bill is more moderate, and only enumerates certain articles; but what right has Great Britain to interfere in our foreign trade; what right has she to dictate to us on the subject of North American trade? How far this country may be further affected by clogging her plantation trade and surrendering her free trade, I shall not for the present stop more minutely to inquire; but I must stop to protest against one circumstance in this arrangement, which should not accompany any arrangement, which would be fatal to settlement itself, and tear asunder the bands of faith and affection; the circumstance I mean, is the opening of the settlements of the colony trade, and free trade of 1779: this adjustment takes from you the power of choosing the article, so that the whole covenant hangs on the special circumstance, and takes from you your option in the produce of foreign plantations, and even of America. It is a revision in peace of the settlements of war, it is a revocation in peace of the acquisition of war. I here ask by what authority? By what authority is Ireland obliged now to enter into a general account for past acquisitions? Did the petition of the manufacturers desire it? Did the addresses of the last session desire it? Did the minister in this session suggest it? No; I call for authority, whereby we can be justified in waving the benefit of past treaties, and bringing the whole relative situation of this country into question in an arrangement, which only professes to settle her channel trade? I conceive the settlements of the last war are sacred; you may make other settlements with the British nation, but you will never make any so beneficial as these are; they were the result of a conjuncture miraculously formed, and fortunately seized. The American war was the Irish harvest. From that period, as from the lucky moment of your fate, your commerce, constitution, and mind, took form and

vigour; and to that period, and to a first and salient principle must they recur for life and renovation.—It is therefore I consider those settlements as sacred, and from them I am naturally led to that part of the subject which relates to compensation, the payment which we are to make for the losses which we are to sustain; certainly compensation cannot apply to the free trade supposing it uninvaded; first, because that trade was your right; to pay for the recovery of what you should never have lost, had been to a great degree unjust and derogatory; secondly, because that free trade was established in 1779, and the settlement then closed and cannot be opened now; to do so were to destroy the faith of treaties, to make it idle to enter into the present settlement, and to render it vain to enter into any settlement with the British minister. The same may be said of the colony trade; that too was settled in 1779, on terms then specified not now to be opened, clogged, conditioned or circumscribed; still less does compensation apply to the free constitution of 1782. His majesty then informed you from the throne, "these things come unaccompanied with any stipulation;"—besides, the free constitution, like the free trade, was your right. Freemen won't pay for the recovery of right; payment had derogated from the claim of right; so we then stated to ministry. It was then thought that to have annexed subsidy to constitution had been a barren experiment on public poverty, and had married an illustrious experiment on the feelings of the nation, and had been neither satisfaction to Ireland, nor revenue to Great Britain. This bolder policy, this happy art, which saw how much may be got by tax, and how much must be left to honour, which made a bold push for the heart of the nation, and leaving her free to acquire, took a chance for her disposition to give, had its effect; for since that time until the present

most unfortunate attempt, a great bulk of the community were on the side of government, and the parliamentary constitution was a guarantee for public peace.

See then what you obtained without compensation, a colony trade, a free trade, the independency of your judges, the government of your army, the extension of the unconstitutional powers of your council, the restoration of the judicature of your lords, and the independency of your legislature!

See now what you obtain by compensation—a covenant not to trade beyond the Cape of Good Hope and the Straits of Magellan; a covenant not to take foreign plantation produce, but as the parliament of Great Britain shall permit; a covenant not to take plantation produce, but as Great Britain shall prescribe; a covenant to make such acts of navigation as Great Britain shall prescribe; a covenant never to protect your own manufactures, never to guard the primum of those manufactures! These things are accompanied, I do acknowledge, with a covenant, on the part of England, to disarm your argument for protecting duties, to give the English language in the act of navigation the same construction in Ireland, and to leave our linen markets without molestation or diminution. One should think some God presided over the liberties of this country, who made it frugality in the Irish nation to continue free, but has annexed the penalties of fine as infamy to the surrender of the constitution! From this consideration of commerce, a question much more high, much more deep, the invaluable question of constitution, arises, in which the idea of protecting duties, the idea of reciprocal duties, of countervailing duties, and all that detail vanish, and the energies of every heart, and the prudence of every head, are called upon to shield this nation, that, long depressed, and at length by domestic virtue and foreign misfortune emancipated, has now to defend her

newly acquired rights and her justly acquired reputation; the question is no less than that, which three years ago agitated, fired and exalted the Irish nation, the independency of the Irish parliament! By this bill we are to covenant that the parliament of Ireland shall subscribe whatever laws the parliament of England shall prescribe, respecting your trade with the British plantations, your trade in the produce of foreign plantations, and part of your trade from the United States of North America. There is also a sweeping covenant or condition, whereby we are to agree to subscribe whatever laws the parliament of England shall prescribe respecting navigation; the adjustment subjects also your reversionary trade to the East to the same terms; over all these objects you are to have no propounding, no deliberative, no negative, no legislative power whatsoever. Here then is an end of your free trade and your free constitution; I acquit the people of England; an ill-grounded jealousy for their trade seems aggravated by a well-founded alarm for your liberty; unwilling to relinquish, but when relinquished, too magnanimous and too wise to resume abdicated tyranny; they feel in these propositions an honourable solicitude for the freedom of Ireland, and the good faith of Great Britain, and see the darling principles and passions of both countries wounded in an arrangement which was to compose them for ever: to a proposal therefore so little warranted by the great body of the people of England, so little expected by the people of Ireland, so little suggested by the minister, and so involving to whatever is dear to your interest, honour and freedom, I answer, No. I plead past settlements, I insist on the faith of nations; the objection should have been made when these settlements were making; but now the logic of empire comes too late; no accommodation, no deprecation on this subject: assertion, national assertion, national re-assertion! If, three years after the recovery of your freedom, you bend,

your children, corrupted by your example, will surrender; but if you stand firm and inexorable, you make a reasonable impression on the people of England, you give a wholesome example to your children, you afford an awful instruction to his majesty's ministers, and make (as the Old English did in the case of their charter) the attempt on Irish liberty, its confirmation and establishment!

However, lest certain glosses should seem to go unanswered, I shall, for the sake of argument, wave past settlements, and combat the reasoning of the English resolutions, the address, his majesty's answer, and the reasoning of this day. It is here said, that the laws respecting commerce and navigation should be similar, and inferred, that Ireland should subscribe the laws of England on those subjects; that is, the same law, the same legislature; but this argument goes a great deal too far; it goes to the army, for the mutiny bill should be the same; it was endeavoured to be extended to the collection of your revenue, and is in train to be extended to your taxes; it goes to the extinction of the most invaluable part of your parliamentary capacity; it is an union, an incipient and a creeping union; a virtual union, establishing one will in the general concerns of commerce and navigation, and reposing that will in the parliament of Great Britain; an union where our parliament preserves its existence after it has lost its authority, and our people are to pay for a parliamentary establishment, without any proportion of parliamentary representation. In opposing the right honourable gentleman's bill, I consider myself as opposing an union *in limine*, and that argument for union which makes similarity of law and community of interest (reason strong for the freedom of Ireland!) a pretence for a condition which would be dissimilarity of law, because extinction of constitution, and therefore hostility, not community of interest; I ask on what experience is this argument

founded? Have you, ever since your redemption, refused to preserve a similarity of law in trade and navigation?—Have you not followed Great Britain in all her changes of the act of navigation, during the whole of that unpalatable business, the American war? Have you not excluded the cheap produce of other plantations, in order that Irish poverty might give a monopoly to the dear produce of British colonies? Have you not made a better use of your liberty than Great Britain did of her power? But I have an objection to this argument, stronger even than its want of foundation, in reason and experiment; I hold it to be nothing less than an intolerance of the parliamentary constitution of Ireland, a declaration that the full and free external legislation of the Irish parliament is incompatible with the British empire. I do acknowledge, that by your external power, you might discompose the harmony of empire, and I add, that by your power over the purse you might dissolve the State; but to the latter you owe your existence in the constitution, and to the former your authority and station in the empire; this argument, therefore, rests the connection upon a new and a false principle, goes directly against the root of parliament, and is not a difficulty to be accommodated, but an error to be eradicated; and if any body of men can still think that the Irish constitution is incompatible with the British empire, doctrine which I abjure as sedition against the connection; but if any body of men are justified in thinking that the Irish constitution is incompatible with the British empire, perish the empire! live the constitution!—Reduced by this false dilemma to take a part, my second wish is the British empire, my first wish and bounden duty is the liberty of Ireland; but we are told this imperial power is not only necessary for England, but safe for Ireland.

What is the present question?—what but the abuse of this very power of regulating the trade of Ireland, by the

British parliament excluding you, and including herself by virtue of the same words of the same act of navigation?—And what was the provoment cause of this arrangement?—what but the power you are going to surrender, the distinct and independent external authority of the Irish parliament, competent to question that misconstruction? What is the remedy now proposed?—the evil. Go back to the parliament of England; I ask again, what were the difficulties in the way of your eleven propositions?—what but the jealousy of the British manufacturers on the subject of trade? And will you make them your parliament, and that too for ever, and that too on the subject of their jealousy, and in the moment they displayed it—safe? I will suppose that jealousy realized, that you rival them in some market abroad, and that they petition their parliament to impose a regulation which shall affect a tonnage which you have, and Great Britain has not; how would you then feel your situation, when you should be obliged to register all this? And how would you feel your degradation, when you should see your own manufacturers pass you by as a cypher in the constitution, and deprecate their ruin at the bar of a foreign parliament—safe? Whence the American war? Whence the Irish restrictions? Whence the misconstruction, of the act of navigation? Whence but from the evil of suffering one country to regulate the trade and navigation of another, and of instituting, under the idea of general protectoress, a proud domination, which sacrifices the interest of the whole to the ambition of a part, and arms the little passions of the monopolist with the sovereign potency of an imperial parliament; for great nations, when cursed with unnatural sway, follow but their nature when they invade; and human wisdom has not better provided for human safety, than by limiting the principles of human power. The surrender of legislature has been linked to cases that not unfrequently

take place between two equal nations, covenanting to suspend, in particular cases, their respective legislative powers for mutual benefit; thus, Great Britain and Portugal agree to suspend their legislative power in favour of the wine of the one, and the woollen of the other; but if Portugal had gone farther, and agreed to subscribe the laws of England, and this covenant had not been a treaty, but conquest; so Great Britain and Ireland may covenant not to raise high duties on each other's manufactures; but if Ireland goes farther, and covenants to subscribe British law, this is not a mutual suspension of the exercise of legislative power, but a transfer of the power itself from one country to another, to be exercised by another hand; such covenant is not reciprocity of trade; it is a surrender of the government of your trade, inequality of trade, and inequality of constitution. I speak, however, as if such transfer could take place, but in fact it could not; any arrangement so covenanting is a mere nullity; it could not bind you, still less could it bind your successors; for a man is not omnipotent over himself, neither are your parliaments omnipotent over themselves, to accomplish their own destruction, and propagate death to their successors; there is in these cases a superior relationship to our respective creators—God—the community, which in the instance of the individual, arrests the hand of suicide, and in that of the political body, stops the act of surrender, and makes man the means of propagation, and parliament the organ to continue liberty, not the engine to destroy it. However, though the surrender is void, there are two ways of attempting it; one by a surrender in form, the other by a surrender in substance; appointing another parliament your substitute, and consenting to be its register or stamp, by virtue of which to introduce the law and edict of another land; to cloath with the forms of your law, foreign deliberations, and to preside over the disgraceful ceremony of your own

abdicated authority; both methods are equally surrenders, and both are wholly void. I speak on principle, the principle on which you stand—your creation. We, the limited trustees of the delegated power, born for a particular purpose, limited to a particular time, and bearing an inviolable relationship to the people who sent us to parliament, cannot break that relationship, counteract that purpose, surrender, diminish, or derogate from those privileges we breathe but to preserve. Could the parliament of England covenant to subscribe your laws? Could she covenant that Young Ireland should command, and Old England should obey? If such a proposal to England were mockery, to Ireland it cannot be constitution. I rest on authority as well as principle, the authority on which the revolution rests.—Mr. Locke, who, in his chapter on the abolition of government, says, that the transfer of legislative power is the abolition of the state, not a transfer. Thus I may congratulate this House and myself, that it is one of the blessings of the British constitution, that it cannot perish of rapid mortality, nor die in a day, like the men who should protect her; any act that would destroy the liberty of the people, is dead born from the womb; men may put down the public cause for a season, but another year would see Old Constitution advance the honours of his head, and the good institution of parliament shaking off the tomb to re-ascend, in all its pomp and pride, and plenitude and privilege!

Sir, I have stated these propositions and the bill as a mere transfer of external legislative authority to the parliament of Great Britain, but I have understated their mischief; they go to taxation, taxes on the trade with the British plantations, taxes on the produce of foreign plantations, and taxes on some of the produce of the United States of North America; they go to port duties, such as Great Britain laid on America! The mode is varied, but the principle is the

same. Here Great Britain takes the stamp of the Irish parliament; Great Britain is to prescribe, and Ireland is to obey! We anticipate the rape by previous surrender, and throw into the scale our honour, as well as our liberty. Do not imagine that all these resolutions are mere acts of regulation; they are solid substantial revenue, great part of your additional duty. I allow the bill excepts rum and tobacco; but the principle is retained, and the operation of it only kept back. I have stated that Great Britain may by these propositions crush your commerce, but shall be told that the commercial jealousy of Great Britain is at an end.—But are her wants at an end? are her wishes for Irish subsidy at an end? No; and may be gratified by laying colony duties on herself, and so raising on Ireland an imperial revenue to be subscribed by our parliament, without the consent of our parliament, and in despite of our people. Or if a minister should please to turn himself to a general exercise, if wishing to relieve from the weight of further additional duties the hereditary revenue now alienated, if wishing to relieve the alarms of the English manufacturers, who complain of our exemption from excises, particularly on soap, candles, and leather, he should proceed on those already registered articles of taxation; he might tax you by threats, suggesting that if you refuse to raise an excise on yourself, England will raise colony duties on both. See what a mighty instrument of coercion this bill and these resolutions! Stir, and the minister can crush you, in the name of Great Britain; he can crush your imports; he can crush your exports; he can do this in a manner peculiarly mortifying, by virtue of a clause in a British act of parliament, that would seem to impose the same restrictions on Great Britain; he can do this in a manner still more offensive, by the immediate means of your own parliament, who would be then an active cypher, and notorious stamp, in the hands of Great Britain,

to forge and falsify the name and authority of the people of Ireland. I have considered your situation under these propositions with respect to Great Britain; see what would be your situation with respect to the crown: You would have granted to the king a perpetual money bill, or a money bill, to continue as long as the parliament of Great Britain shall please, with a covenant to increase it as often as the British parliament shall please. By the resolutions, a great part of the additional duty would have been so granted; the trade of the country is made dependant on the parliament of Great Britain, and the crown is made less dependant of the parliament of Ireland, and a code of prerogative added to a code of empire. If the merchant, after this, should petition you to lower your duties on the articles of trade, your answer, "trade is in covenant." If your constituents should instruct you to limit the bill of supply, or pass a short money bill, your answer, "the purse of the nation, like her trade, is in covenant." No more of six months money bills; no more of instructions from constituents; that connection is broken by this bill; pass this, you have no constituent—you are not the representative of the people of Ireland, but the register of the British parliament, and the equalizer of British duties!

In order to complete this chain of power, one link (I do acknowledge) was wanting, a perpetual revenue bill, or a covenant from time to time to renew the bill for the collection thereof. The twentieth resolution, and this bill founded upon it, attain that object. Sir, this House rests on three pillars—your power over the annual mutiny bill; your power over the annual additional duties; your power over the collection of the revenue. The latter power is of great consequence, because a great part of our revenues are granted for ever. Your ancestors were slaves: and for their estates, that is, for the act of settlement granted the here-

ditary revenue, and from that moment ceased to be a parliament; nor was it till many years after that parliament revived; but it revived as you under this bill would continue; without parliamentary power; every evil measure derived argument, energy and essence from this unconstitutional fund. If a country gentleman complained of the expenses of the crown, he was told a frugal government could go on without a parliament, and that we held our existence by withholding the discharge of our duty. However, though the funds were granted for ever, the provision for the collection was inadequate; the smuggler learned to evade the penalties, and parliament, though not necessary for granting the hereditary revenue, became necessary for its collection. Here then we rest on three pillars: the annual mutiny bill, the annual additional supply, and the annual collection of the revenue. If you remove all these, this fabric falls; remove any one of them, and it totters; for it is not the mace, nor the chair, nor this dome, but the deliberate voice resident herein, that constitutes the essence of parliament. Clog your deliberations, and you are no longer a parliament, with a thousand gaudy surviving circumstances of shew and authority.

Contemplate for a moment the powers this bill presumes to perpetuate; a perpetual repeal of trial by jury; a perpetual repeal of the great charter; a perpetual writ of assistance; a perpetual felony to strike an exciseman!

The late chief Baron Burgh, speaking on the revenue bill, exclaimed, "You give to the dipping rule, what you should deny to the sceptre."

All the unconstitutional powers of the excise we are to perpetuate, the constitutional powers of parliament we are, to abdicate. Can we do all this? Can we make these bulky surrenders, in diminution of the power, in derogation of the pride of parliament, and in violation of those eternal

relationships, which the body that represents should bear to the community which constitutes?

The pretence given for this unconstitutional idea is weak indeed; that as the benefits are permanent, so should be the compensation. But trade laws are to follow their nature, revenue laws to follow their's. On the permanent nature of commercial advantages depends the faith of trade, on the limited nature of revenue laws depends the existence of parliament; but the error of the argument arises from the vice of dealing. It is a market for a constitution, and a logic, applicable to barter only, is applied to freedom. To qualify this dereliction of every principle and power, the surrender is made constitutional; that is, the British market for the Irish constitution, the shadow of a market for the substance of a constitution! You are to reserve an option, trade or liberty; if you mean to come to the British market, you must pass under the British yoke. I object to this principle in every shape, whether you are, as the resolution was first worded, directly to transfer legislative power to the British parliament; whether, as it was afterwards altered, you are to covenant to subscribe her acts; or whether, as it is now softened, you are to take the chance of the British market, so long as you wave the blessings of the British constitution —terms dishonourable, derogatory, incapable of forming the foundation of any fair and friendly settlement, injurious to the political morality of the nation. I would not harbour a slavish principle, nor give it the hospitality of a night's lodging in a land of liberty! Slavery is like any other vice, tolerate and you embrace: you should guard your constitution by settled maxims of honour, as well as wholesome rules of law; and one maxim should be, never to tolerate a condition which trenches on the privilege of parliament, or derogates from the pride of the island. Liberal in matters of revenue, practicable in matters of commerce; on these

subjects I would be inexorable; if the genius of Old England came to that bar, with the British constitution in one hand, and in the other an offer of all that England retains, or all that she has lost of commerce, I should turn my back on the latter, and pay my obeisance to the blessings of her constitution; for that constitution will give you commerce, and it was the loss of that constitution that deprived you of commerce. Why are you not now a woollen country? because another country regulated your trade. Why are you not now a country of re-export? because another country regulated your navigation. I oppose the original terms as slavish, and I oppose the conditional clause as an artful way of introducing slavery, of soothing an high-spirited nation into submission by the ignominious delusion that she may shake off the yoke when she pleases, and once more become a free people. The direct unconstitutional proposition could not have been listened to, and therefore resort is had to the only possible chance of destroying the liberty of the people, by holding up the bright reversion of the British constitution, and the speculation of future liberty, as a consolation for the present submission. But would any gentleman here wear a livery to-night, because he might lay it aside in the morning? or would this House substitute another, because next year it might resume its authority, and once more become the parliament of Ireland? I do not believe we shall get the British, but I do not want to make an experiment on the British market, by making an experiment likewise on the constitution and spirit of the people of Ireland. But do not imagine, if you shall yield for a year, you will get so easily clear of this inglorious experiment; if this is not the British market, why accept the adjustment? and if it is, the benefit thereof may take away your deliberative voice. You will be bribed out of your constitution by your commerce: there are two ways of taking away free-will,

the one by direct compulsion, the other by establishing a præpollent motive. Thus a servant of the crown may lose his free will, when he is to give his vote at the hazard of his office, and thus a parliament would lose its free will, if it acted under a conviction that it exercised its deliberative function at the risk of its commerce. No one question would stand upon its own legs, but each question would involve every consideration of trade, and indeed the whole relative situation of the two countries.—And I beseech you to consider that situation, and contemplate the powers of your own country, before you agree to surrender them.—Recollect that you have now a right to trade with the British plantations, in certain articles, without reference to British duties; that you have a right to trade with the British plantations in every other article, subject to the British duties; that you have a right to get clear of each and of every part of that bargain; that you have a right to take the produce of foreign plantations, subject to your own unstipulated duties; that you have a right to carry on a free and unqualified trade with the United States of North America; that you have a right to carry on an experimental trade in countries contiguous to which Great Britain has established her monopolies; the power of trade this, and an instrument of power, and station and authority in the British empire! Consider that you have likewise a right to the exclusive supply of your own market, and to the exclusive reserve of the rudiment of your manufactures. That you have an absolute dominion over the public purse and over the collection of the revenue. If you ask me how you shall use these powers, I say for Ireland, with due regard to the British nation, let them be governed by the spirit of concord, and with fidelity to the connection; but when the mover of the bill asks me to surrender those powers, I am astonished at him. I have neither ears, nor eyes, nor functions to make such a sacrifice.

What! that free trade, for which we exerted every nerve in 1779; that free constitution for which we pledged life and fortune in 1782! Our lives are at the service of the empire; but—our liberties! No—we received them from our Father, which is in Heaven, and we will hand them down to our children. But if gentlemen can entertain a doubt of the mischief of these propositions, are they convinced of their safety? the safety of giving up the government of your trade? No! the mischief is prominent, but the advantage is of a most enigmatical nature. Have gentlemen considered the subject, have they traced even the map of the countries, the power or freedom of trading with whom they are to surrender for ever? Have they traced the map of Asia, Africa, and America? Do they know the French, Dutch, Portuguese, and Spanish settlements? Do they know the neutral powers of those countries, their produce, aptitudes and dispositions? Have they considered the state of North America? its present state, future growth, and every opportunity in the endless succession of time attending that nurse of commerce and asylum of mankind? Are they now competent to declare, on the part of themselves and all their posterity, that a free trade to those regions will never, in the efflux of time, be of any service to the kingdom of Ireland? If they have information on this subject, it must be by a communication with God, for they have none with man: it must be inspiration, for it cannot be knowledge. In such circumstances, to subscribe this agreement, without knowledge, without even the affectation of knowledge, when Great Britain, with all her experience and every means of information from East Indies, West Indies, America, and with the official knowledge of Ireland at her feet, has taken six months to deliberate, and has now produced twenty resolutions, with an history to each, amounting to a code of empire, not a system of commerce: I say, in such circum-

stances, for Ireland to subscribe this agreement, would be infatuation; an infatuation to which the nation could not be a party, but would appear to be concluded, or indeed huddled, with all her posterity into a fallacious arrangement, by the influence of the crown, without the deliberation of parliament, or the consent of the people! This would appear the more inexcusable, because we are not driven to it; adjustment is not indispensable; the great points have been carried! An inferior question about the home market has been started, and a commercial fever artificially raised; but while the great points remain undisturbed, the nations cannot be committed; the manufacturers applied for protecting duties, and have failed; the minister offered a system of reciprocity, and succeeded in Ireland, but has failed in England; he makes you another offer, inconsistent with the former, which offer the English do not support and the Irish deprecate.

We can go on; we have a growing prosperity, and as yet an exemption from intolerable taxes; we can from time to time regulate our own commerce, cherish our manufactures, keep down our taxes, and bring on our people, and brood over the growing prosperity of Young Ireland. In the mean time we will guard our free trade and free constitution, as our only real resources; they were the struggles of great virtue, the result of much perseverance, and our broad base of public action! We should recollect that this House may now, with peculiar propriety, interpose, because you did, with great zeal and success, on this very subject of trade, bring on the people, and you did, with great prudence and moderation, on another occasion, check a certain description of the people, and you are now called upon by consistency to defend the people. Thus mediating between extremes, you will preserve this island long, and preserve her with a certain degree of renown. Thus faithful to the constitution

of the country, you will command and insure her tranquillity; for our best authority with the people is, protection afforded against the ministers of the crown. It is not public clamour but public injury that should alarm you; your high ground of expostulation with your fellow subjects has been your services; the free trade you have given the merchant, and the free constitution you have given the island! Make your third great effort; preserve them, and with them preserve unaltered your own calm sense of public right, the dignity of the parliament, the majesty of the people, and the powers of the island! Keep them unsullied, uncovenanted, uncircumscribed, and unstipendiary! These paths are the paths to glory; and let me add, these ways are the ways of peace: so shall the prosperity of your country, though without a tongue to thank you, yet laden with the blessings of constitution and of commerce, bear attestation to your services, and wait on your progress with involuntary praise!

On Redressing Ireland.

I HAVE thrown the declaration of rights into the form of an humble address to the throne, and have added other matter that calls for redress. I have done this in a manner which I conceive respectful to the king, reconciling to the pride of England, and with all due tenacity of the rights and majesty of the Irish nation; and if I sink under this great argument, let my infirmity be attributed to any cause, rather than a want of zeal in your service.—I have troubled you so often on the subject of your rights, that I have nothing to add; but am rather to admire by what miraculous means and steady virtue the people of Ireland have proceeded

until the faculty of the nation is now bound up to the great act of her own redemption. I am not very old, and yet I remember Ireland a child; I have followed her growth with anxious wishes, and beheld with astonishment the rapidity of her progress, from injuries to arms—from arms to liberty. I have seen her mind enlarge, her maxims open, and a new order of days burst in upon her.—You are not now afraid of the French, nor afraid of the English, nor afraid of one another.—You are no longer an insolvent gentry, without privilege, except to tread upon a crest-fallen constituency, nor a constituency without privilege, except to tread upon the Catholic body; you are now a united people, a nation manifesting itself to Europe in signal instances of glory.—Turn to the rest of Europe, and you will find the ancient spirit has every where expired; Sweden has lost her liberty; England is declining; the other nations support their consequence by mercenary armies, or on the remembrance of a mighty name; but you are the only people that have recovered your constitution,—recovered it by steady virtue.—You have departed from the example of other nations, and have become an example to them. You not only excel modern Europe, but you excel what she can boast of old. Liberty, in former times, was recovered by the quick feelings and rapid impulse of the populace, excited by some strong object presented to the senses. Such an object was the daughter of Virginius, sacrified to virtue; such the seven bishops, whose meagre and haggard, looks expressed the rigour of their sufferings; but no history can produce an instance of men like you, musing for years upon oppression, and then, upon a determination of right, RESCUING THE LAND.

The supporters of liberty, in the reign of Charles I. mixed their sentiments of constitution with principles of gloomy bigotry; but you have sought liberty on her own principles;

you see the delegates of the North advocates for the Catholics of the South; the Presbytery of Bangor mixing the milk of humanity with the benignity of the gospel—as Christians, tolerant—as Irishmen, united.

This House, agreeing with the desires of the nation, relaxed the penal code, and by so doing, got more than it gave; you found advantages from generosity, and grew rich in the very act of your bounty—it was not merely an act of bounty to the Catholics, it was an act of bounty to yourselves; you hardly had given them privileges, when you felt your own, and magnified your liberty by enlarging the sphere of its action. You did not give away your own power:—No—you formed an alliance with Catholic power, and found in that alliance a new strength and a new freedom. Fortunately for us England did not take the lead; her minister did not take the lead in the restoration of our rights; had England in the first instance ceded, you would have sunk under the weight of the obligation, and given back the acquisition with a sheepish gratitude; but the virtue, the pride of the people was our resource, and it is right that people should have a lofty conception of themselves. It was necessary that Ireland should be her own redeemer, to form her mind as well as her constitution, and erect in her soul a vast image of herself, and a lofty sense of her own exaltation; other nations have trophies and records to elevate the human mind; those outward and visible signs of glory, those monuments of their heroic ancestors, such as were wont to animate the ancient Greek and Romans, and rouse them in their country's cause; but you had nothing to call forth the greatness of the land, except injuries, and therefore it is astonishing that you should have preserved your pride; but more astonishing that you should proceed with a temper seldom found amongst the injured, and a success never but with the virtuous; which not only elevates you above our

own level, but makes you equal to those nations, modern and ancient, whose histories you are accustomed to admire, *and among whom you are now to be recorded.* You have no trophies; but the liberty you transmit to your posterity is more than trophy. I dwell the more on this part of the subject, because I hold it necessary to pour into the public mind a considerable portion of pride, acting up to a good national character founded on a great transaction. What sets one nation above another, but the soul that dwells therein, *that ætherial fire;* for it is of no avail that the arm be strong if the soul be not great. The armies of England were most numerous under her late administration; but the English soul which should have inspired these armies, was gone. What signifies it, that three hundred men in the House of Commons—what signifies it, that one hundred men in the House of Peers, assert their country's cause, if unsupported by the people: nor was this act of your redemption confined to any body of men; all have had a share in it; there is not a man that washes his firelock this night—there is not a grand jury—there is not an association—there is not a corps of volunteers—there is not a meeting of their delegates, that is not a party to this acquisition, and pledged to support it to the last drop of his blood. It seems as if the subjects of Ireland had met at the altar, and communicated a national sacrament. Juries, cities, counties, commoners, nobles, volunteers, gradations, religious, a solid league, a rapid fire.

Gentlemen will perceive I allude to the transaction at Dungannon; not long ago that meeting was considered as a very alarming measure: but I thought otherwise—I approved of it, and considered it *a great original transaction,* and like all original measures, it was a matter of surprise, until it became matter of admiration. What more surprising, or less within the ordinary course of things, than the con-

vention of parliament;—what more extraordinary transaction than the attainment of Magna Charta. It was not attained in parliament, but by the *Barons in the field.* Great measures, such as the meeting of the English at Runnymead, the meeting of the Irish at Dungannon, are original transactions, not following from precedent, but containing in themselves both principle and precedent. The revolution had no precedent—the Christian religion had no precedent—the Apostles had no precedent.

On the Claim of the Clergy to Tithes.

TITHES are made more respectable than, and superior to, any other kind of property. The High Priest will not take a parliamentary title; that is, in other words, he thinks they have a diviner right to title.

Whence?—None from the Jews;—the priesthood of the Jews had not the tenth; the Levites had the tenth, because they had no other inheritance; but Aaron and his sons had but the tenth of that tenth; that is, the priesthood of the Jews had but the hundredth part, the rest was for other uses; for the rest of the Levites, and for the poor, the stranger, the widow, the orphan, and the temple.

But supposing the Jewish priesthood had the tenth, which they certainly had not, the Christian priesthood does not claim under them. Christ was not a Levite, nor of the tribe of Levi, nor of the Jewish priesthood, but came to protest against that priesthood, their worship, their ordinances, their passover, and their circumcision.

Will a Christian priesthood say it was meet to put down

the Jewish, but meet likewise to seize on the spoil; as if their riches were of divine right, though their religion was not; as if Christian disinterestedness might take the land, and the tithe given in lieu of land, and possessed of both, and divested of the charity, exclaim against the avarice of the Jews?

The Apostles had no tithe, they did not demand it; they, and He whose mission they preached, protested against the principle on which tithe is founded.—"Carry neither scrip, nor purse, nor shoes; into whatsoever house ye go, say, Peace."

Here is concord, and contempt of riches, not tithe.—"Take no thought what ye shall eat, or what ye shall drink, nor for your bodies, what ye shall put on;" so said Christ to his Apostles. Does this look like a right in his priesthood to a tenth of the goods of the community?

"Beware of covetousness—seek not what ye shall eat, but seek the kingdom of God."

"Give alms—provide yourselves with bags that wax not old, a treasure in Heaven which faileth not." This does not look like a right in the Christian priesthood to the tenth of the goods of the community, exempted from the poor's dividend.

"Distribute unto the poor, and seek treasure in Heaven."

"Take care that your hearts be not charged with surfeiting and drunkenness, and the cares of this life."

One should not think that our Saviour was laying the foundation of tithe, but cutting up the roots of the claim, and prophetically admonishing some of the modern priesthood. If these precepts are of divine right, tithes cannot be so; the precept which orders a contempt of riches, the claim which demands a tenth of the fruits of the earth for the ministers of the Gospel.

The peasantry, in Apostolic times, had been the object of charity, not of exaction. Those to whose cabin the tithe-farmer has gone for tithe of turf, and to whose garden he has gone for the tithe potatoes, the Apostles would have visited likewise; but they would have visited with contribution, not for exaction: the poor had shared with the Apostles, though they contribute to the churchman.

The Gospel is not an argument for, but against the right-divine of tithe; so are the first fathers of the Church.

It is the boast of Tertullian, "*Nemo compellitur sed sponte confert hæc quasi deposita sunt pictatis.*"

With us, men are not under the necessity of redeeming their religion; what we have is not raised by compulsion; each contributes what he pleases; *modicam unusquisque stipendium vel cum velit, et si modo velit, et si modo posset*; what we receive, we bestow on the poor, the old, the orphan, and the infirm."

Cyprian, the bishop of Carthage, tells you, the expences of the Church are frugal and sparing, but her charity great; —he calls the clergy his *fratres sportulantes*—a fraternity living by contribution.

"Forsake," says Origen, "the priests of Pharaoh, who have earthly possessions, and come to us who have none—we must not consume what belongs to the poor—we must be content with simple fare, and poor apparel."

Chrysostome, in the close of the fourth century, declares, that there was no practice of tithes in the former ages—and Erasmus says, that the attempt to demand them was no better than tyranny.

But there is an authority still higher than the opinions of the Fathers—there is an authority of a council—the council of Antioch, in the fourth century, which declares, that bishops may distribute the goods of the Church, but must

take no part to themselves, nor to the priests that lived with them, unless necessity required them justly—" Have food and raiment; be therewith content."

This was the state of the Church, in its purity; in the fifth century, decimation began, and Christianity declined;—then, indeed, the right of tithe was advanced, and advanced into a stile that damned it. The preachers who advanced the doctrine, placed all Christian virtue in the payment of tithe. They said, that the Christian religion, as we say the Protestant religion, depended on it. They said, that those who paid not their tithes, would be found guilty before God; and if they did not give the tenth, that God would reduce the country to a tenth.—Blasphemous preachers!—gross ignorance of the nature of things—impudent familiarity with the ways of God—audacious, assumed knowledge of his judgments, and a false denunciation of his vengeance. And yet even these rapacious, blasphemous men, did not acknowledge to demand tithe for themselves, but for the poor—alms!—the debt of charity—the poor's patrimony. " We do not limit you to a precise sum; but you will not give less than the Jews"—*decimæ sunt tributa egentium animatum reddę tributa pauperibus.* Augustine goes on, and tells you, that as many poor as die in your neighbourhood for want, you not paying tithe, of so many murders will you be found guilty at the tribunal of God—*tantorum homicidiorum reus ante tribunal eterni judicis apparebit.* " Let us," says St. Jerome, " at least follow the example of the Jews, and part of the whole give to the priest and the poor." To these authorities we are to add the decree of two councils—the provincial council of Mascon, in the close of the sixth century, and the decree of the council of Nantz, in the close of the ninth.—The first orders, that tithes may be brought in by the people, that the priest may expend them for the use of the poor, and the redemption of captives.—The latter de-

crees, that the clergy are to use the tithes, not as a property, but a trust—*non quasi suis sed commendatis.*

It was not the table of the priest, nor his domestics, nor his apparel, nor his influence, nor his ambition, but a Christian equipage of tender virtues—the widow, the orphan, and the poor; they did not demand the tithe as a corporation of proprietors, like an East-India Company, or a South-Sea Company, with great rights of property annexed, distinct from the community, and from religion; but as trustees, humble trustees to God, and the poor, pointed out, they presumed, by excess of holiness and contempt of riches.—Nor did they resort to decimation, even under these plausible pretensions, until forced by depredations committed by themselves on one another. The goods of the church, of whatever kind, were at first in common distributed to the support of the church, and the provision of the poor—but at length, the more powerful part, those who attended the courts of princes—they who intermeddled in state affairs, the busy high priest, and the servile, seditious, clerical politician; and particularly the abbots who had engaged in war, and had that pretence for extortion usurped the fund, left the business of prayer to the inferior clergy, and the inferior clergy to tithe and the people.

Thus the name of tithe originated in real extortion, and was propagated by affected charity; at first, for the poor and the church, afterwards subject to the fourfold division, the bishop, the fabric, the minister, and the poor; this in Europe!

Gradual Corruption and Restoration of Christianity.

SEE the curate—he rises at six to morning prayers; he leaves company at six for evening prayer; he baptizes, he marries, he churches, he buries, he follows with pious offices his fellow creature from the cradle to the grave—for what immense income!—what riches to reward these inestimable services? Do not depend on the penury of the laity. Let his own order value his deserts; 50*l.* a-year; 50*l.* for praying, for christening, for marrying, for churching, for burying, for following with Christian offices his fellow creature from cradle to grave—so frugal a thing is devotion, so cheap religion, so easy the terms on which man may worship his Maker, and so small the income, in the opinion of ecclesiastics, sufficient for the duties of a clergyman, as far as he is connected at all with the Christian religion.

I think the curate has by far too little—bloated with the full tenth, I think the church would have abundantly too much.

The provision of the church is not absolute property, like an estate, but payment for a duty: it is salary for prayer, not the gift of God independent of the duty. He did not send his Son to suffer on earth, to establish a rich priesthood, but to save mankind—it is the donation of the laity, for the duty of prayer. The labourer deserves hire for doing his duty—he is paid not as a high priest, but a pastor in his evangelic, not his corporate capacity;—when he desires to live by his ministry, he demands his right; when he desires

the tenth of your wealth, he demands your right; and he presumes riches to be the right of the church, instead of supposing, what he ought, the Gospel to be the right of the people, and competency for preaching, the Gospel—not luxury, to be the right, as it is the profession, of the church. A provision for the minister of the Gospel on its own principles, keeping clear of the two extremes—poverty on one side, and riches on the other; both are avocations from prayer; poverty, which is a struggle how to live, and riches, which are an occupation how to spend. But of the two extremes, I should dread riches—and above all, such indefinite riches as the tenth of the industry, capital, and land of 3,000,000, would heap in the kitchens of 900 clergymen—an impossible proportion; but if possible, an avocation of a very worldly kind, introducing gratifications of a very temporal nature—passions different from the precepts of the Gospel. Ambition, pride, and vain glory add to this acquisition of the tenth—the litigation which must attend it, and the double avocation of luxury and law; conceive a war of citations, contempts, summonses, civil bills, proctors, attornies, and all the voluminous train of discord, carried on at the suit of the man of peace—by the plaintiff in the pulpit, against the defendants, his congregation. It is a strong argument against the tenth, that such claim is not only inconsistent with the nature of things, but absolutely incompatible with the exercise of the Christian religion. Had the Apostles advanced, among the Jews, pretensions to the tenth of the produce of Judea, they would not have converted a less perverse generation; but they were humble and inspired men—they went forth in humble guise, with naked foot, and brought to every man's door, in his own tongue, the true belief; their word prevailed against the potentates of the earth; and on the ruin of the Barbaric pride, and Pontific luxury, they placed the naked majesty of the Christian religion.

This light was soon put down by its own ministers, and, on its extinction, a heavily and pompous priesthood ascended. Political pontiffs, not Christian pastors—full of false zeal, full of worldly pride, and full of gluttony—empty of the true religion. To their flock oppressive—to their inferior clergy brutal—to their king abject, and to their God impudent and familiar; they stood on the altar, as a stepping-stool to the throne, glozing in the ear of princes, whom they poisoned with crooked principles and heated advice, and were a faction against their king, when they were not his slaves; ever the dirt under his feet, or a poniard in his heart.

Their power went down, it burst of its own plethory, when a poor reformer, with the Gospel in his hand, and in the inspired spirit of poverty, restored the Christian religion.

Appeal to the House for Redress of Tithe Grievances.

LET bigotry and schism, the zealot's fire, the high priest's intolerance, through all their discordancy, tremble, while an enlightened parliament, with arms of general protection, overarches the whole community, and roots the Protestant ascendancy in the sovereign mercy of its nature.—Laws of coercion, perhaps necessary, certainly severe, you have put forth already, but your great engine of power you have hitherto kept back; that engine, which the pride of the bigot, nor the spite of the zealot, nor the ambition of the high, nor the arsenal of the conqueror, nor the inquisition, with its jaded rack and pale criminal, never thought of:—the engine which, armed with physical and moral blessing,

comes forth, and overlays mankind by services;—the engine of redress—this is government; and this the only description of government worth your ambition. Were I to raise you to a great act, I should not recur to the history of other nations; I would recite your own acts, and set you in emulation with yourselves. Do you remember that night, when you gave your country a free trade, and with your hands opened all her harbours?—That night when you gave her a free constitution, and broke the chains of a century—while England, eclipsed at your glory and your island, rose as it were from its bed, and got nearer to the sun? In the arts that polish life—the inventions that accommodate; the manufactures that adorn it—you will be for many years inferior to some other parts of Europe; but, to nurse a growing people—to mature a struggling, though hardy community, to mould, to multiply, to consolidate, to inspire, and to exalt a young nation; be these your barbarous accomplishments!

I speak this to you, from a long knowledge of your character, and the various resources of your soul; and I confide my motion to those principles not only of justice, but of fire; which I have observed to exist in your composition, and occasionally to break out in a flame of public zeal, leaving the ministers of the crown in eclipsed degradation. It is therefore I have not come to you furnished merely with a cold mechanical plan; but have submitted to your consideration the living grievances—conceiving that any thing in the shape of oppression made once apparent—oppression too of a people you have set free—the evil will catch those warm susceptible properties which abound in your mind, and qualify you for legislation.

Reproof of the Irish Protestant Bishops.

HERE are the sovereign pontiff of the Catholic faith, and the Catholic king of Spain, distributing one-third of a part of the revenues of their church for the poor, and here are some of the enlightened doctors of our church deprecating such a principle, and guarding their riches against the encroaching of Christian charity; I hope they will never again afford such an opportunity of comparing them with the Pope, or contrasting them with the Apostles. I do not think their riches will be diminished; but if they were to be so—is not the question directly put to them, which will they prefer? their flock or their riches? for which did Christ die, or the Apostles suffer martyrdom, or Paul preach, or Luther protest? Was it for the tithe of flax, or the tithe of barren land, or the tithe of potatoes, or the tithe-proctor, or the tithe-farmer, or the tithe-pig? Your riches are secure; but if they were impaired by your acts of benevolence, does our religion depend on your riches? On such a principle your Saviour should have accepted of the kingdoms of the earth, and their glory, and have capitulated with the Devil for the propagation of the faith. Never was a great principle rendered prevalent by power or riches;—low and artificial means are resorted to for the fulfilling the little views of men, their love of power, their avarice, or ambition; but to apply to the great design of God such wretched auxiliaries, is to forget his divinity, and to deny his omnipotence.—What! does the word come more powerfully from a dignitary in purple and fine linen than it came from the poor

apostle with nothing but the spirit of the Lord on his lips, and the glory of God standing on his right hand? What! my lords, not cultivate barren land; not encourage the manufactures of your country; not relieve the poor of your flock, if the church is to be at any expence thereby!—Where shall we find this principle? not in the Bible. I have adverted to the sacred writings, without criticism, I allow, but not without devotion—there is not in any part of them such a sentiment—not in the purity of Christ, nor the poverty of the apostles, nor the prophesy of Isaiah, nor the patience of Job, nor the harp of David, nor the wisdom of Solomon! No, my lords; on this subject your Bible is against you—the precepts and practice of the primitive church against you—the great words *increase and multiply*—the axiom of philosophy, that nature does nothing in vain—the productive principle that formed the system, and defends it against the ambition and encroachments of its own elements; the reproductive principle which continues the system, and which makes vegetation support life, and life administer back again to vegetation; taking from the grave its sterile quality, and making death itself propagate to life and succession—the plenitude of things, and the majesty of nature, through all her organs—manifest against such a sentiment; this blind fatality of error, which, under pretence of defending the wealth of the priesthood, checks the growth of mankind, arrests his industry, and makes the sterility of the planet a part of its religion.

Appeal to the Irish Parliament to emancipate the People from a Dependance on England.

I HAVE intreated an attendance of the House on this day, to protest against the usurpations of the parliament of Great Britain, and to join with me in lifting up their hands and voices against such usurpations. Two millions of people out of doors were to be satisfied, and had I a son, I would, like the father of Hannibal, bring him to the altar to swear the sacred maintenance of the people's rights. I would move them to as full and ample a declaration as could be done without shaking the pillars of the state. It is impossible to stop the voice of millions—the public mind was not at ease—enough was not done.—You are the guardians of the public liberty, you owe your country that liberty, and she calls upon you to restore it——she calls upon you to make Great Britain revoke the injustice of her laws, and to restore your political as she has your commercial freedom. In passing the bills for liberating your trade, the British minister has made use of the words, *that it was expedient to allow Ireland to export her own products. Expedient* is a word of great reserve. Expedient is a word fatal to Great Britain,—by such a word she lost America, and plunged her country in scenes of blood. By this reservation your trade is in the power of England, whenever she may think proper to take it away. We were allowed a moment of satisfaction, but not a relief from slavery. God has afforded you an opportunity to emancipate yourselves and your posterity; wait not the issue of a general peace, when the direc

tion of her power on this fated island may again lay you in bondage. For the honour of your country—for the honour of human nature—by the memory of your sufferings—by the sense you feel of your wrongs—by the love you owe your posterity—by the dignity and generous feelings of Irishmen —I beseech you to seize the auspicious occasion, and let this be the hour of your freedom! The doctrine of parliamentary supremacy Great Britain now finds to be nonsense—parliamentary supremacy has been the bane of Great Britain.—Her enemies are on all sides pouring in on her. The sea is not her's; the honour of her councils and arms is tarnished. She has no army—no fleet—no admirals—no generals—A supineness pervades her measures—and distractions attend her councils. Parliament is the only spring to convey the native voice of the people; never this or any other country behold a senate possessed of so much public confidence. There is an ardent combination among the people, a fire which animates the nation to its own redemption.—A sacred enthusiasm, unconveyed in the language of antiquity, and which only belongs to the natural confidence of freedom.—Forty thousand men in arms look up to the result of this day's deliberation.—Let the lovers of freedom rejoice at that martial spirit, which has operated to national happiness. If you refuse to comply with the resolution of this day, you belie the desire of your constituents. A providential conjunction and the hand of God seem to demand and direct it; grasp at a blessing, which promises independence and happiness. Yesterday the servants of the crown were asked, whether a standing army of fifteen thousand Irishmen were to be bound in this kingdom by English laws; and the servants of the crown have asserted that they shall. The servants of the crown have dared to avow that they shall be bound by English laws.—This is the consequence of your rejoicing at a partial repeal of the laws which oppressed

you—your exultation betrayed your rights. The courtier may have his salary—the landed gentleman may have his rent—you may export the commodities of your country, and bring the returns of another—but liberty—liberty, the consummation of all trade, is wanting. The superstructure is left without a base—you have commerce without a full trade, and a senate without a parliament. When I found a prohibition upon glass, and other commodities, when I found an act of the 6th of George the 1st, which expressly claimed a power of binding this kingdom,—the king, without its parliament, enacted a law to bind the people of Ireland, by making laws for them; it was time to call the authority of England a rod of tyranny. I call upon the judges of the land, the justices of the peace, and officers of the army, to say whether they do not act under the direction of English statutes? A present and explicit declaration of rights must remove all this. Three millions of people must feel how necessary it is to be as free as the people of England. They must behold, with veneration, a parliament superior to every other, and equal to that which passed the bill of rights.—A senate composed of men that would do honour to Rome, when Rome did honour to human nature.

The enemies of Ireland may call the efforts of the people the proceedings of a mob. A mob stopped your magistrates in their obedience to English laws, and vindicated your abdicated privileges. I shall be told this was the turbulence of the times; and so may every effort for freedom in the history of mankind be called. Your fathers were slaves, and lost their liberties to the legislature of England;—the kingdom became a plantation—the spirit of independence was banished.—The fears of parliament made it grant, in a strain of trembling servility, whatever was demanded: Men of overgrown fortunes became the very jobbers of corruption; they voted an embargo, which brought bankruptcy on the prince,

and misery on the people. The people saw nothing but starving manufacturers, a corrupt senate, and a military combination. The courtier was glad to petition for a free trade, and England to grant it; but the unconstitutional power of an English attorney-general, and an English parliament, still remains.—Eighteen or nineteen counties deserving to be free, and who are your legal constituents, have petitioned for this redemption. You may lull the public with addresses, but the public mind will never be well at ease until the shackles are removed. The maxims of one country go to take away the liberties of another.—Nature rebels at the idea, and the body becomes mutinous—there is no middle course left; win the heart of an Irishman, or else cut off his hand: a nation infringed on as Ireland, and armed as Ireland, must have equal freedom; any thing else is an insult. The opportunity prompts—the spirit of the people prompts—the opinion of the judges pompts. No arguments can be urged against it, but two; one is, the real belief that the British nation is a generous one, witness the contribution sent to Corsica, and the relief afforded Holland; and the other, their uniform hatred of an administration that brought destruction on the British dominions. If England is a tyrant, it is Ireland made her so, by obeying.—The slave makes the tyrant.—What can prevent the completion of our demands? It is not in the power of England to resist. Can she war against ten millions of French, eight millions of Spaniards, three millions of Americans, three millions of Irish? England cannot withstand accumulated millions, with her ten millions; with a national debt of 200 millions, a peace establishment of 21 millions,—can she pretend to dictate terms? She offered America the entire cession of her parliamentary power, and can she refuse the Irish the freedom of fellow-subjects? Every thing short of total independence was offered to the Americans—and will she

yield that to their arms, and refuse it to your loyalty?—Nothing but a subjugation of mind can make the great men of Ireland tremble at every combination for liberty. When you possess this liberty, you will be surprized at your situation, and though jobbers may deem your ardour phrenzy, it will be a fortunate madness; a declaration will be the result. Your constituents have instructed, and they will support you; for public pride and public necessity will find resources.—What will your judges and your commissioners, who have refused to abide by English laws, say? Will you abdicate, will you bring them into contempt? Eighteen counties have declared against it, and no man in this House dare defend the claims of the English. It is the sense of this side of the House, not to give an assent to the money bills until we obtain this declaratory act. The mock moderators, who go about preaching peace, are the really factious, and the worst enemies of this country.——Have you been for a century contending against the power of an English attorney-general, and dare not conquer, though lying at your mercy?—The great charter has not been confirmed, as often as our rights have been violated. You may be told indeed you are ungrateful.——I know of no gratitude which can make me wear the badge of slavery. Insatiable—we may be told we are, when Ireland desires nothing but what England has robbed her of. When you have emboldened the judges to declare your rights, they will not be afraid to maintain them. His majesty has no title to his crown but what you have to your liberty; if your exertions in that cause are condemned, the revolution was an act of perjury, and the petition of right an act of rebellion. The oaths made to the House of Stuart, were broken for the sake of liberty, and we live too near the British nation to be less than equal to it. Insulted by the British parliament, there is no policy left for the English, but to do justice to a people, who *are otherwise determined*

to do justice to themselves. Common trade and common liberty will give strength to our constitution, and make both nations immortal; the laws of God, the laws of nature, and the laws of nations, call loudly for it. Let not that supremacy, which has withered the land, remain uncontroverted. Do not, by opposing the present opportunity, give that destructive blow to the balance of the constitution which shall weigh it down beyond the power of recovery. Do not let the curses of your children, and your reflections in old age, weigh you down to the grave with bitterness. Forgetful of past violation and present opportunity, let nobody say the parliament was bought by a broken ministry and an empty treasury. That having made a God of self-interest, you kneeled down to worship the idol of corruption. Your exertions now will be the basis for erecting a temple to liberty. By the inspiration of the present opportunity,—by the affection you owe posterity—by all the ties which constitute the well-being of a people, assert and maintain the liberties of your country. I have no design, I ask for no favour, but to breathe in common in a nation of freedom; but I never will be satisfied as long as a link of the British chain is clanking to the heels of the meanest peasant.

Consequences of asserting a Right to exclusive Salvation.

BUT here the objector interposes again, and tells us it is in vain to look for harmony with the Catholics, inasmuch as they deliver the Protestants to damnation. Gravely they say this—soberly they say this in a morning, and according to this you must not only repeal your law of toleration, but you

must disband part of your army and navy and disqualify your electors. The Catholic who hears this produces a Protestant creed which does the same thing and damns his sect likewise. The infidel who listens agrees with both and triumphs, and suggests that it were better not to cast off your people but to cast off your religion. So Volney makes all sects contend and all conquer, and religion the common victim. The truth is, exclusive salvation was the common phrenzy of all sects and is the religion of none, and is now not only rejected by all but laughed at; so burning one another, as well as damning one another. You can produce instances, they can produce instances: it was the habit of the early Christians to anathematize all sects but their own. No religion can stand, if men without regard to their God, and with regard only to controversy, shall rake out of the rubbish of antiquity the obsolete and quaint follies of the sectarians, and affront the majesty of the Almighty with the impudent catalogue of their devices; and it is a strong argument against the prescriptive system that it helps to continue this shocking contest—theologian against theologian—polemic against polemic, until the two madmen defame their common parent and expose their common religion.

The Boundaries to Gratitude.

THERE are some things which cannot become matter of remuneration. For instance,—a gentleman cannot be grateful with his honour—a female cannot be grateful with her virtue—a nation cannot be grateful with its liberty.

JUSTIFICTION OF HIS MOTION FOR A PENSION TO HUSSEY BURGH'S FAMILY.

SIR, in so very numerous a list it is almost impossible that some meritorious persons should not have been obtruded, and yet in so numerous a list it is astonishing there should be so few of that description. One pension indeed I well remember—it suggests to me other considerations than such a list would naturally inspire—I mean the pension to the family of the late chief Baron. I moved for that pension; I did it from a natural and instinctive feeling; I came to this house from his hearse—what concern first suggested, reason afterwards confirmed. Do I lament that pension? Yes—because in it I lament the mortality of noble emulation—of delightful various endowments—and above all, because I feel the absence of him, who, if now here, would have inspired this debate, would have asserted your privileges, exposed the false pretences of prerogative, and have lent an angel's voice to the councils of the nation.

UNIVERSAL SYSTEM ACTED ON BY ENGLAND TO IRELAND.

I AM for tranquillity—for honourable tranquillity; but when I see an administration unable to make a blow against an enemy tyrannize over Ireland, I am bound to exert every power to oppose it. Ireland is in strength—she has acquired

that strength by the weakness of Britain, for Ireland was saved when America was lost; when England conquered, Ireland was coerced—when she was defeated—Ireland was relieved; and when Charlestown was taken, the mutiny and sugar bills were altered! have you not, all of you, when you heard of a defeat, at the same instant condoled with England and congratulated Ireland?

The Penal Code.

SO long as the penal code remains, we never can be a great nation. The penal code is the shell in which the protestant power has been hatched—now that it is become a bird it must break the shell or perish.

Character of Mr Kirwan the Irish Preacher.

HE called forth the latent virtues of the human heart, and taught men to discover in themselves a mine of charity of which the proprietors had been unconscious—in feeding the lamp of charity, he exhausted the lamp of life. He comes to interrupt *the repose of the pulpit*, and shakes one world with the thunders of another. The preacher's desk becomes a throne of light—around him a train, not such as crouch and swagger at the levee of viceroys—horse, foot, and dragoons; but that wherewith a great genius peoples his own state—charity in extacy, and vice in humiliation—not as with you, in cabinet against the people, but in humi-

liation. Vanity, arrogance and saucy empty pride, appaled by the rebuke of the preacher and cheated for a moment of their native improbity and insolence. What reward? St. Nicholas without or St. Nicholas within? The curse of Swift is upon him, to have been born an Irishman—to have been a man of genius—and to have used it for the good of his country. Had this man,* instead of being the brightest of preachers been the dullest of lawyers—had he added to dullness, venality—had he aggravated the crime of venality by senatorial turpitude, he had been a judge—or had he been born a blockhead, bred a slave, trained up in a great English family and handed over as an household circumstance to the Irish viceroy, he should have been an Irish bishop and an Irish peer with a great patronage, perhaps a borough, and have returned members to vote against Ireland; and the Irish parochial clergy must have adored his venality and deified his dullness. But under the present system Ireland is not the element in which a native genius can rise, unless he sells that genius to the court, and atones by the apostacy of his conduct for the crime of his nativity.

Character of Father O'Leary.

AT the time that this very man lay under the censure of the law, which in his own country made him subject to transportation or death, from religious distinctions, and at the time that a prince of his own religion threatened this country with an invasion, this respectable character took up

* These were all understood to have been personal allusions to living men.

his pen unsolicited, and without a motive, but that of real patriotism, to urge his own communion to a disposition of peace, and to support the law which had sentenced him to transportation. A man of learning, a philosopher, a Franciscan, did the most eminent service to his country.* He brought out a publication which would do honour to the most celebrated name. The whole kingdom must bear witness of its effect by the reception which they gave it.—Poor in every thing but genius and philosophy, he had no property at stake, no family to fear for; but descending from the contemplation of wisdom, and abandoning the ornaments of fancy, he humanely undertook the task of conveying duty and instruction to the lowest classes of the people. If I did not know him to be a Christian clergyman, I should suppose him by his works to be a philosopher of the Augustan age of literature.

Allusion to the Volunteers and the subsequent Degeneracy of Ireland.

THERE was a time when the vault of liberty could hardly contain the flight of your pinion—Some of you went forth like a giant rejoicing in his strength, but now you stand like elves at the door of your own Pandemonium. The armed youth of the country, like a thousand streams, thundered from a thousand hills and filled the plain with the congregated waters in whose mirror was seen for a moment the watery image of the British constitution. The waters subside—the torrents cease—the rill ripples within its own bed, and the boys and children of the village paddle in the brook.

Character of Mr. Burke.

ON the French subject, speaking of authority, we cannot forget Mr. Burke.—Mr. Burke, the prodigy of nature and acquisition—he read every thing—he saw every thing—he foresaw every thing—his knowledge of history amounted to a power of foretelling; and when he perceived the wild work that was doing in France, that great political physician intelligent of symptoms, distinguished between the access of fever and the force of health; and what other men conceived to be the vigour of her constitution, he knew to be no more than the paroxysm of her madness, and then, prophet like, he pronounced the destinies of France, and in his prophetic fury admonished nations.

On Religious Discord.

DO we not all know that ruin must be the consequence of a division either in politics or religion? Often have I wished, when reflecting on the foolish contests of religionists, that the guardian angel of Britain might take them up from the Babel of their own disputes, convey them to some ærial eminence, and shew them the evils attendant upon their disunion. In my mind I have pictured the horrors presented to their view—the horrors of rapine, war, and conquest! I have seen their enemies, the French, that is, all Europe advancing to their overthrow.—I have seen them bathed in

their own blood and their country one wide scene of desolation! Then could I fancy the angel to say, "These are the dreadful consequences that await your controversies. You die and your country falls, if you do not unite together—if you unite in one common cause, great as the struggle is, you shall live. On the one side, there is a brave defence crowned with victory—on the other, conquest and confiscation."

On the Natural Desire of Man for Liberty.

I HAVE heard it said the Catholics are not anxious about what we are now doing, and this is meant as an argument against our legislating in their behalf. Even allowing the truth of the assertion which I by no means admit, to what does it go? It goes to this, that you have so broken their spirits—that you have so debased their mind—that you, by your government, have reduced them to so low and abject a state that they do not care even for liberty! For liberty, Sir—and is this a subject matter of indifference—Liberty, which, like the Deity, is an essential spirit best known by its consequences—liberty, which now animates you in your battles by sea and land and lifts you up proudly superior to your enemies—liberty, that glorious spark and emanation of the Divinity, which fired your ancestors and taught them to feel like an Hampden that it was not life, but the condition of living!—An Irishman sympathises in these noble sentiments—wherever he goes—to whatever quarter of the earth he journeys—whatever wind blows his poor garments, let him but have the pride, the glory, *the ostentation of liberty.*

Allusion to Mr. Fox.

IRELAND weeps over his grave—she laments that loss that is to her irreparable—his glow of heart—the sublime simplicity of his unaffected eloquence—the *negligent grandeur* of his genius.

Another allusion to Mr. Fox.

THE authority of Mr. Fox has been alluded to—a great authority and a great man; his name excites tenderness and wonder; to do justice to that immortal person, you must not limit your view to his country—his genius was not confined to England—it acted three hundred miles off in breaking the chains of Ireland—it was seen three thousand miles off in communicating freedom to the Americans—it was visible, I know not how far off, in ameliorating the condition of the Indian—it was discernible on the coast of Africa in accomplishing the abolition of the Slave Trade. You are to measure the magnitude of his mind by *parallels of latitude.* His heart was as soft as that of a woman—his intellect was adamant.

On the Conduct of Buonaparte.

IF a prince takes Venice we are indignant; but if he seizes on a great part of Europe, stands covered with the blood of millions and the spoils of half mankind, our indignation ceases; vice becomes gigantic, conquers the under-

standing, and mankind begin by wonder and conclude by worship. The character of Buonaparte is admirably calculated for effect—he invests himself with much theatrical grandeur; he is a great actor in the tragedy of his own government; the fire of his genius precipitates on universal empire, certain to destroy his neighbours or himself; better formed to acquire than to keep empire, he is an hero and a calamity formed to punish France and to perplex Europe. * * * * * * Buonaparte it seems is to reconcile every thing by the gift of a free constitution. He took possession of Holland, he did not give her a free constitution—he took possession of Spain, he did not give her a free constitution—he took possession of Switzerland whose independence he guaranteed, he did not give her a free constitution—he took possession of Italy, he did not give her a free constitution—he took possession of France, he did not give her a free constitution; on the contrary, he destroyed the directorial constitution, he destroyed the consular constitution, and he destroyed the late constitution formed on the plan of England. But now, he is, with the assistance of the Jacobin, to give her liberty! that is, the man who can bear no freedom, unites to form a constitution with a body who can bear no government.

Vindication of Lord Charlemont.

IN the list of injured characters I beg leave to say a few words for the good and gracious Earl of Charlemont; an attack, not only on his measures but on his representative, makes his vindication seasonable; formed to unite aristocracy

and the people—with the manners of a court and the principles of a patriot—with the flame of liberty and the love of order unassailable to the approaches of power, of profit, or of titles, he annexed to the love of freedom a veneration for order, and cast on the crowd that followed him the gracious shade of his own accomplishments, so that the very rabble grew civilized as it approached his person; for years did he preside over a great army without fee or reward, and he helped to accomplish a great revolution without a drop of blood. Let slaves utter their slander and bark at glory which is conferred by the people—his name will stand, and when their clay shall be gathered to the dirt to which they belong, his monument, whether in marble or in the hearts of his countrymen, shall be consulted as a subject of sorrow and a source of virtue.

Characteristics of the Irish People.

I STATE these things because these facts have been called clamour—I state these facts in opposition to slander as the defence of my country—to restore from calumny the character of her constitution, and to rescue from oblivion the decaying evidences of her glory. I think I know my country—I think I have a right to know her—she has her weaknesses—were she perfect, one would admire her more but love her less. The gentlemen of Ireland act on sudden impulse, but that impulse is the result of a warm heart, a strong head, and great personal determination; the errors incidental to such a principle of action, must be their errors; but then the virtues belonging to that principle must be their virtues also.—Such errors may give a pretence to their enemies, but

such virtues afford salvation to their country. The minister should therefore say what I say to my country—I who am no better than one of yourselves but far superior to your tyrant—who probably partake of your defects, and shall be satisfied if I have any portion either of your spirit or of your fire—" Come, come to this heart with all your infirmities and all your religion."——

Description of the Means by which the Irish Union was carried.

" YOU have set up a little king of your own," said a principal servant of the crown, speaking to the House of Commons and talking of his prince with the vulgar familiarity with which one slave would salute his fellow—" half a million or more was expended some years ago to break an opposition, the same or a greater sum may be necessary now."—The House heard him—I heard him—he said it, standing on his legs, to an astonished House and an indignant nation, and he said so in the most extensive sense of bribery and corruption! The threat was proceeded on—the peerage was sold—the caitiffs of corruption were every where, in the lobby, in the street, on the steps, and at the door of every parliamentary leader whose thresholds were worn by the members of the then administration, offering titles to some, amnesty to others, and corruption to all.

Character of Mr. Malone.

Mr. MALONE, one of the characters of 53, was a man of the finest intellect that any country ever produced. " The three ablest men I ever heard were Mr. Pitt (the father(

Mr. Murray and Mr. Malone. For a popular assembly I would choose Mr. Pitt—for a privy council, Murray—for twelve wise men, Malone." This was the opinion which Lord Sackville, the secretary of 53, gave of Mr. Malone to a gentleman from whom I heard it. "He is a great sea in a calm," said Mr. Gerard Hamilton, another great judge of men and talents.—"Aye," it was replied, "but had you seen him when he was young, you would have said he was a great sea in a storm," and like the sea, whether in calm or storm, he was a great production of nature.

Sketch of Mr. Flood.

MR. FLOOD, my rival, as the pamphlet calls him—and I should be unworthy the character of his rival, if even in his grave I did not do him justice. He had his faults—but he had great powers—great public effect—he persuaded the old—he inspired the young; the Castle vanished before him—on a small subject he was miserable—put into his hand a distaff, and like Hercules, he made sad work of it; but give him the thunderbolt and he had the arm of a Jupiter; he misjudged when he transferred himself to the English parliament: he forgot that he was a tree of the forest too old and too great to be transplanted at fifty, and his seat in the British parliament is a caution to the friends of union to stay at home and make the country of their birth the seat of their action.

Panegyric on the Irish Constitution of 1782.

WELL, the minister has destroyed this constitution—to destroy is easy; the edifices of the mind, like the fabrics of

marble, require an age to build, but ask only minutes to precipitate, and as the fall is of no time, so neither is it the effect of any strength—a common labourer and a pick-axe—a little lawyer, a little pander, and a wicked minister. The constitution, which, with more or less violence, has been the inheritance of this country for six hundred years—that *modus tenendi parliamentum* which lasted and outlasted of Plantagenet the wars—of Tudor the violence—and of Stuart the systematic falsehood—the condition of our connexion—yes, the constitution he destroys, is one of the pillars of the British empire—he may walk round it and round it, and the more he contemplates, the more he must admire it—such a one as had cost England of money a million, and of blood a deluge—cheaply and nobly expended—deear in its violation—dear in its recovery—whose restoration had cost Ireland her noblest efforts and was the habitation of her loyalty—we are accustomed to see the kings of these countries in the keeping of parliament—I say of her loyalty as well as of her liberty—where she had hung up the sword of the volunteer—her temple of fame as well as of freedom, where she had seated herself, as she vainly thought, in modest security and a long repose.

Situation of Irish Representatives in an English Parliament.

I WILL not say that one hundred Irish gentlemen will act ill where any man would act well; but never was there a situation in which they had so much temptation to act ill and so *little* to act well—great expense and consequent distresses—no check—they will be in situation a sort of *gentlemen of*

the empire—that is to say, gentlemen at large, unowned by one country and unelected by the other—suspended between both—false to both and belonging to neither. The sagacious English secretary of state has foretold this. "What advantage," says he, "will it be to the talents of Ireland, this opportunity in the British empire thus opened?"—That is what we dread—the market of St. Stephen's opened to the individual, and the talents of the country, like its property, dragged from the kingdom of Ireland to be sold in London; these men from their situation—man is the child of situation—their native honour may struggle—but from their situation they will be adventurers of the most expensive kind—adventurers with pretensions—dressed and sold, as it were, in the shroud and grave clothes of the Irish parliament, and playing for hire their tricks upon her tomb, the only repository the minister will allow to an Irish constitution—the images of degradation, the representatives of nothing. Come, he has done much—he has destroyed one constitution—he has corrupted another, and this corrupted constitution he calls a *parental parliament*. I congratulate the country on the new baptism of what was once called the representative body of the nation—instead of the plain august language of the constitution, we are here saluted with the novel and barbaric phraseology of empire. With this change of name we perceive a transfer of obligation converting the duty of the delegate into the duty of the constituent, and the inheritance of the people into the inheritance of their trustees.

WAY IN WHICH THE HISTORY OF IRELAND OUGHT TO BE CONSIDERED.

THE history of Ireland a century ago has been appealed to as furnishing strong arguments in opposition to my

motion. What is that history? Why, generally, it is the tale of an unhappy province, ill governed and cruelly mismanaged. The historian is in the case of Ireland, generally speaking, very bad authority. He wrote to gratify power. His own private advantage absorbed all his thoughts, and his contemplation only dwelt on that which might be turned to his own account or that of his patrons. But if you wish to state the case of Ireland fairly, do not fly back to barbarous times and long exploded principles—state her conduct since she became a nation—take it for instance, during the last forty years; do not go back to senseless acts when the oppressions of England made Ireland retaliate—do not say, on this spot such a crime was committed, here such a town was burned, here so many Englishmen were murdered, here such a chieftain raised his merciless and despotic sway—but come closer to our own times and say, here did Englishmen and Irishmen fight in one cause—here such a Catholic regiment maintained its ground and nobly fought in defence of that constitution from the benefits of which its brethren are excluded—here it undauntedly braved the dangers of the battle in the laurels of which it was not allowed to participate.

Character of Lord Chatham.

THE secretary stood alone. Modern degeneracy had not reached him. Original and unaccommodating, the features of his character had the hardihood of antiquity. His august mind over-awed majesty, and one of his sovereigns thought royalty so impaired in his presence, that he conspired to remove him, in order to be relieved from his superiority. No

state chicanery, no narrow system of vicious politics, no idle contest for ministerial victories, sunk him to the vulgar level of the great: but overbearing, persuasive, and impracticable, his object was England, his ambition was fame. Without dividing, he destroyed party; without corrupting, he made a venal age unanimous. France sunk beneath him. With one hand he smote the house of Bourbon, and wielded in the other the democracy of England. The sight of his mind was infinite; and his schemes were to affect, not England, not the present age only, but Europe and posterity.—Wonderful were the means by which these schemes were accomplished; always seasonable, always adequate, the suggestions of an understanding animated by ardour, and enlightened by prophecy.

The ordinary feelings which make life amiable and indolent were unknown to him. No domestic difficulties, no domestic weakness reached him; but aloof from the sordid occurrences of life, and unsullied by its intercourse, he came occasionally into our system, to counsel and to decide.

A character so exalted, so strenuous, so various, so authoritative, astonished a corrupt age, and the treasury trembled at the name of Pitt through all her classes of venality. Corruption imagined, indeed, that she had found defects in this statesman, and talked much of the inconsistency of his glory, and much of the ruin of his victories; but the history of his country and the calamities of the enemy, answered and refuted her.

Nor were his political abilities his only talents: his eloquence was an æra in the senate, peculiar and spontaneous, familiarly expressing gigantic sentiments and instinctive wisdom; not like the torrent of Demosthenes, or the splendid conflagration of Tully; it resembled sometimes the thunder, and sometimes the music of the spheres. Like Murray, he did not conduct the understanding through the painful sub-

tilty of argumentation; nor was he like Townshend, for ever on the rack of exertion; but rather lightened upon the subject, and reached the point by the flashings of the mind, which, like those of his eye, were felt, but could not be followed.

Upon the whole, there was in this man something that could create, subvert, or reform; an understanding, a spirit, and an eloquence, to summon mankind to society, or to break the bonds of slavery asunder, and to rule the wilderness of free minds with unbounded authority; something that could establish or overwhelm empire, and strike a blow in the world that should resound through the universe.

PERORATION TO HIS SPEECH ON THE UNION.

BUT if this monster of political innovation is to prove more than the chimera of a mad minister rioting in political iniquity—away, with the Castle at your head, to the grave of a Charlemont, the father of the Irish volunteers, and rioting over that sacred dust, exult in your completed task and enjoy all its consequent honours. Nor yet will the memory of those who opposed you wholly die away—the gratitude of the future men of Ireland will point to their tombs and say to their children, "here lie the bones of those honest men, who, when a venal and corrupt parliament attacked that constitution which they fought for and acquired, exerted every nerve to maintain, to defend, and to secure it."—This is an honour which the king cannot confer upon his slaves—it is an honour which the crown never gave the king.

Invective against Mr. Corry, in Reply to his Aspersions.

MY guilt or innocence have little to do with the question here.—I rose with the rising fortunes of my country—I am willing to die with her expiring liberties. To the voice of the people I will bow, but never shall I submit to the calumnies of an individual hired to betray them and slander me. The indisposition of my body has left me perhaps no means but that of lying down with fallen Ireland and recording upon her tomb my dying testimony against the flagitious corruption that has murdered her independence. The right honourable gentleman has said that this was not my place—that instead of having a voice in the councils of my country, I should now stand a culprit at her bar—at the bar of a court of criminal judicature to answer for my treasons. The Irish people have not so read my history—but let that pass—if I am what he has said I am, the people are not therefore to forfeit their constitution. In point of argument, therefore, the attack is bad—in point of taste or feeling, if he had either, it is worse—in point of fact it is false, utterly and absolutely false—as rancorous a falsehood as the most malignant motives could suggest to the prompt sympathy of a shameless and a venal defence. The right honourable gentleman has suggested examples which I should have shunned, and examples which I should have followed. I shall never follow his, and I have ever avoided it. I shall never be ambitious to purchase public scorn by private infamy—the lighter characters of the model have as little chance of weaning me from the habits of a life spent, if not

exhausted, in the cause of my native land. Am I to renounce those habits now for ever, and at the beck of whom? I should rather say of what—half a minister—half a monkey—a 'prentice politician, and a master coxcomb. He has told you that what he said of me here, he would say any where. I believe he would say thus of me in any place where he thought himself safe in saying it.—Nothing can limit his calumnies but his fears—in parliament he has calumniated me to-night, in the king's courts he would calumniate me to-morrow, but had he said or dared to insinuate one half as much elsewhere, the indignant spirit of an honest man would have answered the vile and venal slanderer with—a blow.

On the Necessity of Reform.

AGAINST this inundation of evil we interposed reform—we were convinced of its necessity from the consideration of corruption at home; we were confirmed in that conviction from the consideration of revolutions abroad—we saw the regal power of France destroyed by debts, by expense, and by abuses—we saw the nobility interfere for these abuses, only to encumber the throne with their ruins and to add revolution of property to revolution of government—we saw in the American revolution that a people determined to be free cannot be enslaved; that British government was not equal to the task even in the plenitude of empire, supported by the different governments of the provinces and by the sad apostacy of the hapless loyalist—that loyalist is a lesson to the rich and great to stand by their country in all situations; and that in a contest with a remote court, the first post of safety is to stand by the country, and the second post of

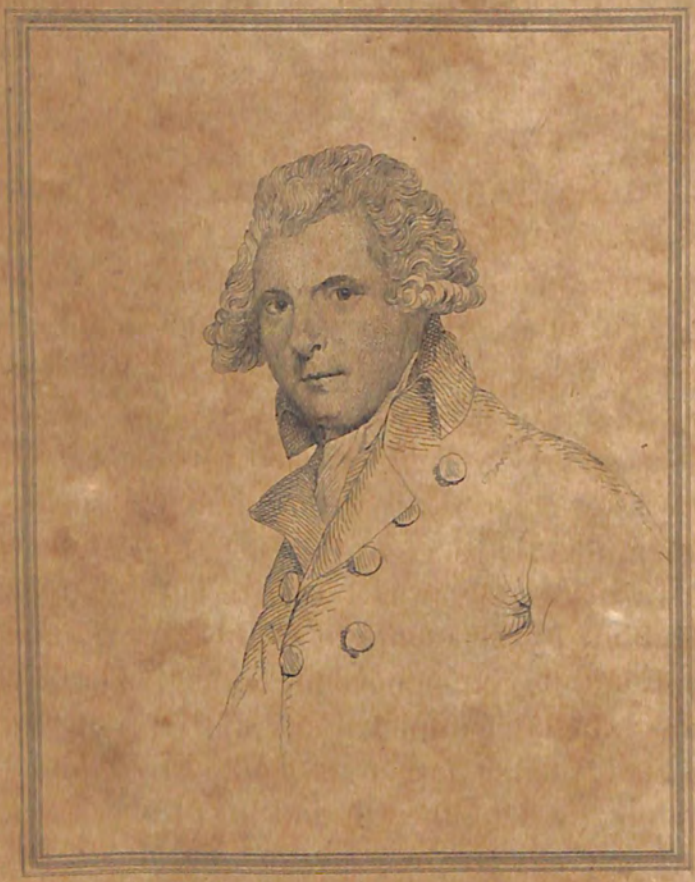
safety is to stand by the country, and the third post of safety is to stand by the country. In that American contest we saw that reform which had been born in England and banished to America, advance like the shepherd lad in holy writ and overthrow Goliath. He returned riding on the wave of the Atlantic and his spirit moved on the waters of Europe. The royal ship of France went down—the British man of war labours—your vessel is affected—throw your people over board, say your ministers and ballast with your abuses—throw your abuses over board, we said, and ballast with your people.

On the same Subject.

THE minister's Devil went forth—he destroyed liberty and property—he consumed the press—he burned houses and villages—he murdered and he failed. "Recall your murderer, we said, and in his place dispatch our messenger—try conciliation—you have declared you wish the people to rebel, to which we answer, God forbid!—Rather let them weary the royal ear with petitions, and let the Dove be again sent to the king—it may bring back the olive—And as to thee—thou mad minister! who pour in regiment after regiment to dragoon the Irish because you have forfeited their affections, we beseech, we supplicate, we admonish,—reconcile the people—combat revolution by reform—let blood be your last experiment. Combat the spirit of democracy by the spirit of liberty—the wild spirit of democratic liberty by the regulated spirit of organized liberty such as may be found in a limited monarchy with a free parliament. But how accomplish that but by reforming the present parliament,

whose narrow and contracted formation in both countries, excludes popular representation, that is, excludes self-legislation, that is, excludes liberty, and whose fatal compliances the result of that defective representation have caused or countenanced, or sanctioned, or suffered for a course of years a succession of measures which have collected upon us us such an accumulation of calamity; and which have finally, at an immense expence, and through a sea of blood, stranded these kingdoms on a solitary shore, naked of empire, naked of liberty, and naked of innocence, to ponder on an abyss which has swallowed up one part of their fortunes and yawns for the remainder.

However it may please the Almighty to dispose of princes or of parliaments, may the liberties of the people be immortal.



Right Hon.ble Rich.d Brinsley Sheridan.

MR. SHERIDAN.

RICHARD BRINSLEY SHERIDAN was the third son of THOMAS SHERIDAN, an actor, and a teacher of elocution. Literature seems to have been a sort of *heir-loom* in his family—his grandfather was the celebrated friend of Swift, his mother was the author of several successful plays and amusing romances, and his sister evinced, by various publications, no inconsiderable degree of the hereditary talent. Mr. SHERIDAN was born in Dorset-street, Dublin, in the month of October 1751, and in due time commenced his education (which was finally completed at Harrow) at the school of his father's friend, Mr. Samuel White, of Dublin. He and his brother were the first scholars of a master who afterwards became very eminent. SHERIDAN evinced no symptoms of his great abilities, at school —on the contrary, he was rather remarkable for his deficiencies, and to Doctor Parr has

been attributed the merit of first discovering the lion under its disguise. After having enrolled himself in the books of the Middle Temple, he married at the age of twenty, and was compelled, by his necessities, to relinquish the prospective advantages of the law for those pursuits which afforded a more immediate remuneration. To the drama he turned his attention; and, "The Rivals," "The School for Scandal," "The Critic," and "The Duenna," crowned him in the theatre with a wreath from the garland even of Congreve. This uncommon success naturally introduced him to the great political characters of the day, and his election for the Borough of Stafford raised him to a participation in the labours of their higher and more extended theatre. Equally the master of the thunderbolt and lyre, the Opposition found in him an invaluable auxiliary, and Mr. Fox, a friend whom no prosperity could tempt or no adversity terrify. Yet in his public life Mr. SHERIDAN could never be considered, in the servile sense of the word, a mere *party* man—his conduct on the mutiny at the Nore, and on the Spanish insurrection, are incontrovertible proofs of his

independence. Though never for any length of time in power, yet at various periods he occupied an official station--in 1782, he was under Secretary to Mr. Fox—in 1783, he was Secretary to the Treasury, and in 1807, Treasurer to the Navy. In 1816, he left behind him in this world, the indisputable character of a wit, a poet, a patriot, and an orator. In the collection of the following specimens of his eloquence I have been as zealous as I could, but his characteristic carelessness has left less upon record than could have been expected, and I am afraid the reader must, with me, be content to fancy the giant merely from his fragments.

IRISH ELOQUENCE.

Mr. Sheridan's Speech on declining to stand the Poll for Westminster, on the Election immediately succeeding the Death of Mr. Fox.

GENTLEMEN, Electors of Westminster—In addressing you upon this occasion, I am afraid that before I proceed to the few observations which I feel it my duty to submit to you, I shall be obliged to commence with a request which I am almost ashamed to make—for your indulgence, if in consequence of a short but sharp indisposition, from which I am just recovering, my voice should not be strong enough to be clearly audible to the full extent of this large assembly.—Upon that subject which must fill all your minds—upon the merits of that illustrious man, whose death has occasioned the present meeting, I shall, I can say but little. There must be some interval between the heavy blow that has been struck, and the consideration of its effect, before any one (and how many are there of those) who have revered and loved Mr. Fox, as I have done, can speak of his death with the feeling but manly composure which becomes the dignified regret it ought to inspire. To you, however, gentlemen, it cannot be necessary to describe him, for you must have known him well. To say any thing to you at this moment, in the first hours of your unburthened sorrows, must be un-

necessary and almost insulting. His image is still present before you—his virtue is in your hearts—his loss is your despair.

I have seen in one of the morning papers, what are stated to have been the last words of this great man.—"I die happy."—Then, turning to the dearest objects of his affection, "I pity you." But had another moment been allowed him, and had the modesty of his great mind permitted it, well might he have expressed his compassion, not for his private friends only, but for the world—well might he have said, "I pity you, I pity England, I pity Europe, I pity the human race." For to mankind at large, his death must be a source of regret, whose life was employed to promote their benefit. He died in the spirit of peace, struggling to extend it to the world. Tranquil in his own mind, he cherished to the last, with a parental solicitude, the consoling hope to give tranquillity to nations. Let us trust that that stroke of death which has borne him from us, may not have left peace, and the dignified charities of human nature, as it were, orphans upon the world. From this afflicting consideration, I pass to one comparatively insignificant, yet it is the question we are met this day to consider, namely, the pretensions of those who have the presumption to aspire to succeed him. An honourable friend has proposed me as a person worthy of that proud distinction. I cannot deny but that it is an object of ambition, unmixed, I think, with one unworthy motive, very near to my heart. I have received a friendly, though public, caution, that I may risk the confidence and attachment of my friends at Stafford by such a pursuit. I thank my monitor, for his anxiety on that account, but he may rest assured that I know my constituents better. I have before declined an offer of support for this city, upon a general election. My gratitude and devotion to my friends at Stafford bind me to seek no other. I have been six times

chosen by them, which is a proof, at least, that when once elected, I am not quarrelsome with my constituents. To attend to their wishes must of course be an object of my peculiar solicitude, and to continue to represent them, the favourite pursuit of my ambition, even more, perhaps, than that of the representation of Westminster. But it is not inconsistent with that sentiment, nor can it be offensive to the feelings of my constituents, that I should have offered myself to your notice upon this occasion. For my constituents must feel, that it is one thing to be the representative of Westminster and another to be the successor of Mr. Fox.—That, I own, I cannot but consider as an object of the highest importance, of which, if I were not ambitious, I must be insensible. Upon the present awful occasion, with such feelings as I know are clinging to your minds, hoping at most to palliate a loss irreparable—yet searching with affectionate diligence how best to do so, to have been the object of your deliberate selection, would, I feel, have been to me an inspiring motive beyond all ordinary encouragement, to have shewn myself not unworthy of the proud preference you had bestowed upon me. I fear not but that my friends at Stafford would have fully entered into this feeling and not have considered my elevation by you as a desertion of them.

Having thus avowed my ambition, or my presumption, as some have been heard to call it, I have now to speak of my pretences. Egotism is always offensive, and I am happy that my learned friend has left me little or nothing to say on this head. He has stated, and I avow and adopt his statement, that my claim to your favour rests on the fact, that I have, step by step, followed Mr. Fox through the whole course of his political career, and to the best of my poor abilities, supported him in every one of those measures, and in the maintenance of every one of those principles which originally

recommended him to, and so long continued him in your confidence and esteem. It is true, there have been occasions upon which I have differed with him, painful recollection of the most painful moments of my political life. Nor were there wanting those who endeavoured to represent those differences as a departure from the homage which his superior mind, though unclaimed by him, were entitled to, and the allegiance of friendship which our hearts all swore to him; but never was the genuine and confiding texture of his soul more manifest than on such occasions; he knew that nothing on earth could separate or detach me from him; and he resented insinuations against the sincerity and integrity of a friend, which he would not have noticed had they been pointed against himself. With such a man to have battled in the cause of genuine liberty—with such a man to have struggled against the inroads of oppression and corruption—with such an example before me to have to boast that I never in my life gave one vote in parliament, that was not on the side of freedom, is the congratulation that attends the retrospect of my public life. His friendship was the pride and honour of my days. I never, for one moment, regretted to share with him the difficulties, the calumnies, and sometimes even the dangers that attended an honourable course. And now reviewing my past political life, were the option possible, I should retread the path. I solemnly and deliberately declare that I would prefer to pursue the same course—to bear up under the same pressure—to abide by the same principles—and remain by his side, an exile from power, distinction, and emolument, rather than be, at this moment, a splendid example of successful servility, or prosperous apostacy—though clothed with powers, honours, and titles, and gorged with sinecures and wealth obtained from the plunder of the people.—Grateful as I am for the manner in which you are pleased to receive my sentiments

and to espouse my cause, I think it must have been obvious that I have in my mind an eager desire that contest and dissension should be avoided on the occasion of the present vacancy. How is this to be effected but by one of the candidates retiring? A man's pride may be piqued without his mind being induced to swerve from the cause, in which he ought to persevere.—Illiberal warnings have been held out—most unauthoritatively I know—that by persevering in the present contest I may risk my official situation; and if I retire I am aware that minds as coarse and illiberal, may assign the dread of that as my motive. To such insinuations I shall scorn to make any other reply than a reference to the whole of my past political life. I consider it as no boast to say, that any one who has struggled through such a portion of life as I have, without acquiring an office, is not likely to abandon his principles to retain one when acquired. To be at all capable of acting upon principle, it is necessary that a man shall be independent, and to independence, the next best thing to that of being very rich, is to have been used to be very poor.—Independence, however, is not allied to wealth, to birth, to rank, to power, to titles or to honours. Independence is in the mind of a man, or it is no where. On this ground, were I to decline the contest, I should scorn the imputation that should bring the purity of my purpose into doubt. No minister can expect to find in me a servile vassal, No minister can expect from me an abandonment of any principle I have avowed, or any pledge I have given. I know not that I have hitherto shrunk in place from opinions that I have maintained in opposition. Did there appear a minister of different cast from any I know existing, —were he to attempt to exact from me a different conduct, my office should be at his service to-morrow.—Such a minister might strip me of a situation, in some respect of considerable emolument—but he could not strip me of the proud

conviction that I was right—he could not strip me of my own self-esteem—he could not strip me, I think, of some portion of the confidence and good opinion of the people. But I am noticing the calumnious threat I have alluded to more than it deserves.

There can be no peril, I venture to assert, under the present government, in the free exercise of a discretion, such as belongs to the present question; I therefore disclaim the merit of putting any thing to hazard..

If I have missed the opportunity of obtaining all the support, I might, perhaps, have had on the present occasion, from a very scrupulous delicacy, which I think became and was incumbent upon me, but which I by no means conceive to have been a fit rule for others, I cannot repent it. While the slightest aspiration of breath remained on those lips, so often the channel of eloquence and virtue—while one drop of life's blood beat in that noble heart, which is now no more, I would not suffer any friend of mine, in anticipation of the melancholy event to institute a canvas. I could not, I ought not to have acted otherwise than as I have done.

Now, gentlemen, I come, with a very embarrassed feeling, to that declaration which I yet think you must have expected from me, but which I make with reluctance, because, from the marked approbation I have experienced from you, I fear with reluctance, you will receive it. *I feel myself under the necessity of retiring from this contest.*—I beseech you, resumed the right honourable gentleman, to hear me with patience, and in that temper with which I address you. There is in true friendship this advantage. The inferior mind looks to the presiding intellect as its guide and landmark while living, and to the engraven memory of its principles, as a rule of conduct after his death. Yet further, still unmixed with idle superstition, there may be gained a salutary lesson from contemplating what would be grateful to the

mind of the departed, were he conscious of what is passing here. I solemnly believe, that could such a consideration have entered into Mr. Fox's last moments, there is nothing his wasted spirits would so have deprecated, as a contest of the nature which I now disclaim and relinquish.

It was never ascertained to me, until Monday last, that Lord Percy would certainly be a candidate. My friends hesitated in the hope that it might be left to arbitration which candidate should withdraw. That hope has failed. I claim the privilege of nearest and dearest friendship, to set the example of a sacrifice—comparatively how small to what it demands—nothing could ever have induced me to proceed to a disputed poll on this occasion. The hour is not far distant, when an awful knell shall tell you that the unburied remains of your revered patriot are passing through the streets to that sepulchral home, where your kings—your heroes—your sages—and your poets lie, and where they are to be honoured by the association of his noble remains;—that hour when, however, the splendid gaudiness of public pageantry may be avoided, you—you—all of you, will be self marshalled in reverential sorrow, mute and reflecting on your mighty loss.—At that moment shall the disgusting contest of an election wrangle break the solemnity of the scene?—Is it fitting that any man should overlook the crisis, and risk the rude and monstrous contest? Is it fitting that I should be that man? Allow me to hope, from the manner in which you have received the little I have said on this subject, that I need add no more. Yet still would my purpose be incomplete, and my remonstrance inconsistent, if I did not, at the same time that I withdraw myself, urge you to take the measures most propitious to prevent the tranquillity we propose from being destroyed by others. To me there seems no mode so obvious and decisive as adding your suffrages to the countenance given to the noble Earl who has the support

of those ministers with whom your late illustrious representative lived and died in the most perfect confidence and amity. I turn to him, rejoicing that I shall not be his antagonist—I turn to him, with respect, due to an early character of the highest promise—with the strong assurance of those qualities which engage affection and command respect—on these grounds I, for one, shall give him my cordial support.

Gentlemen, I have now executed a difficult and a painful task—yet one duty more remains—not a painful but a grateful one—yet one more difficult, perhaps, than that which I have left—it is to endeavour to express to you those sentiments of sincere and eager gratitude which your voluntary proffered support and your indulgent acceptance of what I have this day submitted to you, and which, is indelibly imprinted on a heart not formed to be unthankful. As a public man, I feel that your approbation rewards my past efforts, and it shall be the animation of my future endeavours.

Enumeration of the Abuses of Government.

AS to the general challenge of proving the abuse which subsists in our government, Mr. Sheridan said, he had no delight in it; but as he must reply— some then of the abuses of which he complained, and of which a reform of parliament was the only remedy, were, that peers of the other house sent members to the House of Commons by nomination;—that the crown sent members into that house by nomination too;—that some members of that house sent in members by their own nomination also—all these things made a farce of an election for the places for which these gentlemen were

returned;—that men were created peers without having been of the least service to the public in any action of their lives, but merely on account of their parliamentary influence—the present minister had been the means of creating a hundred of them. He did not blame him,—the fault was in the system of government;—that corruption was the pivot on which the whole of our public government affairs turned;—that the collection of taxes was under the management of wealthy men in parliamentary interest, the consequence of which was, that the collection of them was neglected;—that, to make up the deficiency, excisemen must be added to the excise—this soured the temper of the people; that neither in the church, the army, the navy, or any public office, was any appointment given, but what resulted of parliamentary influence; and, consequently, corrupt majorities were at the will of the minister. He did not like to tell secrets of the prison house of the treasury; but in the present instance he was called upon. In short, whether the eye was directed to the church, the law, the army, or to parliament, it could only observe the seeds of inevitable decay and ruin in the British constitution.

On the Selfishness of public Men.

GOOD God, Sir, that he should have thought it prudent to have forced this contrast upon our attention; that he should triumphantly remind us of every thing that shame should have withheld, and caution would have buried in oblivion! Will those who stood forth with a parade of disinterested patriotism, and vaunted of the *sacrifices* they had

made, and the *exposed situation* they had chosen, in order the better to oppose the friends of Brissot in England—will they thank the noble lord for reminding us how soon these lofty professions dwindled into little jobbing pursuits for followers and dependants, as unfit to fill the offices procured for them, as the offices themselves were unfit to be created? Will the train of newly titled alarmists, of supernumerary negociators, of pensioned paymasters, agents and commissaries, thank him for remarking to us how profitable their panic has been to themselves, and how expensive to their country? What a contrast, indeed, do we exhibit? What! in such an hour as this, at a moment pregnant with the national fate, when, pressing as the exigency may be, the hard task of squeezing the money from the pockets of an impoverished people, from the toil, the drudgery of the shivering poor, must make the most practised collector's heart ache while he tears it from them. Can it be, that people of high rank, and professing high principles, that *they* or *their families* should seek to thrive on the spoils of misery, and fatten on the meals wrested from industrious poverty? Can it be, that this should be the case with the very persons who state the *unprecedented peril of the country* as the *sole* cause of their being found in the ministerial ranks? The constitution is in danger, religion is in danger, the very existence of the nation itself is endangered; all personal and party considerations ought to vanish; the war must be supported by every possible exertion, and by every possible sacrifice; the people must not murmur at their burdens, it is for their salvation, their all is at stake. The time is come, when all honest and disinterested men should rally round the throne as round a standard;—for what? ye honest and disinterested men, to receive for your own private emolument, a portion of those very taxes which they themselves wring from the people, on the pretence of saving them from the

poverty and distress which you say the enemy would inflict, but which you take care no enemy shall be able to aggravate. Oh! shame! shame! is this a time for selfish intrigues, and the little dirty traffic for lucre and emolument? Does it suit the honour of a gentleman to ask at such a moment? Does it become the honesty of a minister to grant? Is it intended to confirm the pernicious doctrine so industriously propagated by many, that all public men are impostors, and that every politician has his price? Or even where there is no principle in the bosom, why does not prudence hint to the mercenary and the vain to abstain a while at least, and wait the fitting of the times? Improvident impatience! Nay, even from those who seem to have no direct object of office or profit, what is the language which their actions speak?—The throne is in danger! we will support the throne; but let us share the smiles of royalty; the order of nobility is in danger! I will fight for nobility, says the viscount, but my zeal would be much greater if I were made an earl. Rouse all the marquis within me, exclaims the earl, and the peerage never turned forth a more undaunted champion in its cause than I shall prove. Stain my green riband blue, cries out the illustrious knight, and the fountain of honour will have a fast and faithful servant. What are the people to think of our sincerity?—What credit are they to give to our professions?

On the Impiety of proclaiming War on Moral Pretences.

LAYING aside all question of aggression on the part of France, or of necessity on our part, to enter into the war—all this done, it seems, to shew the house, that the system now adopted by the government of that country is so abhor-

rent to the feelings of human nature; so contrary to the instinctive love of harmony and of social order implanted in the heart of man; so ruinous to external force, as well as to internal peace, prosperity, and happiness, *that it cannot stand.* This is the conclusion which the noble lord wishes to draw from all the facts and opinions that he has detailed. I close with him. I will admit his facts. I will admit that the system now prevalent in France is all that he has called it: and what ought to be our conclusion with respect to such a government? What, but what we ought to leave to the natural workings of the discords which it is calculated to engender, the task of its overthrow: that if it will not stand of itself, it is not necessary for us to attack it.—Without disputing any of his premises, for the present, I will grant the noble lord, not only his principle, but the foundation upon which he builds it. I agree with him, that it is contrary to the eternal and unalterable laws of nature, and to the decrees of the maker of man and of nations, that a government founded on, and maintained by injustice, rapine, murder, and atheism, can have a fixed endurance, or a permanent success; that they are self-sown, in its own bosom, the seeds of its own inevitable dissolution. But if so, whence is our mission to become the destroying angel to guide and hasten the anger of the Deity?—Who calls on us to offer with more than mortal arrogance, the alliance of a mortal arm to the Omnipotent? or to snatch the uplifted thunder from his hand, and point our erring aim at the devoted fabric which his original will has fated to fall and crumble in that ruin, which it is not in the means of man to accelerate or prevent? I accede to him the piety of his principle; let him accede to me the justice of my conclusion; or let him attend to experience, if not to reason, and must he not admit, that hitherto all the attempts of his apparently powerful, but certainly presumptuous crusade of vengeance, have appeared

unfavoured by fortune and by Providence; that they have hitherto had no other effect than to strengthen the powers—to whet the rapacity—to harden the heart—to inflame the fury, and to augment the crimes of that government, and that people, whom we have rashly sworn to subdue, to chastise, and to reform.

Invective against Mr. Hastings.

HIS course was an eternal deviation from rectitude. He either tyrannised or deceived; and was by turns a Dionysius and a Scapin. As well might the writhing obliquity of the serpent be compared to the swift directness of the arrow, as the duplicity of Mr. Hastings's ambition to the simple steadiness of genuine magnanimity. In his mind all was shuffling, ambiguous, dark, insidious, and little: nothing simple, nothing unmixed: all affected plainness, and actual dissimulation;—a heterogeneous mass of contradictory qualities; with nothing great but his crimes; and even those contrasted by the littleness of his motives, which at once denoted both his baseness and his meanness, and marked him for a traitor and a trickster. Nay, in his stile and writing, there was the same mixture of vicious contrarieties;—the most groveling ideas were conveyed in the most inflated language; giving mock consequence to low cavils, and uttering quibbles in heroics; so that his compositions disgusted the mind's taste, as much as his actions excited the soul's abhorrence. Indeed this mixture of character seemed by some unaccountable, but inherent quality, to be appropriated, though in inferior degrees, to every thing that concerned his employers. He

remembered to have heard an honourable and learned gentleman (Mr. Dundas) remark, that there was something in the first frame and constitution of the company, which extended the sordid principles of their origin over all their successive operations; connecting with their civil policy, and even with their boldest achievements, the meanness of a pedlar, and the profligacy of pirates. Alike in the political and the military line could be observed *auctioneering ambassadors* and *trading generals*;—and thus we saw a revolution brought about by *affidavits;* an army employed in *executing an arrest;* a town besieged on *a note of hand;* a prince dethroned for the *balance of an account*. Thus it was they exhibited a government, which united the mock majesty of a bloody sceptre, and the little *traffic of a merchant's counting-house,* wielding a truncheon with one hand, and *picking a pocket with the other.*

Sufferings of the Begums.

BUT, as to the immediate case, the documents on the table would bear incontrovertible testimony that insurrections had constantly taken place in Oude. To ascribe it to the Begums was wandering even beyond the improbabilities of fiction. It were not less absurd to affirm, that famine would not have pinched, nor thirst have parched, nor extermination have depopulated—but for the interference of these old women. To use a strong expression of Mr. Hastings on another occasion, "The good which those women did was certain—the ill was precarious." But Mr. Hastings had found it more suitable to his purposes to reverse the

proposition; yet wanting a motive for his rapacity, he could find it only in fiction. The simple fact was, their treasure was their treason. But "they complained of the injustice." God of Heaven, had they not a right to complain! After a solemn treaty violated:—plundered of all their property, and on the eve of the last extremity of wretchedness were they to be deprived of the last resource of impotent wretchedness—complaint and lamentation! Was it a crime that they should croud together in fluttering trepidation like a flock of resistless birds on seeing the felon kite, who, having darted at one devoted bird, and missed his aim, singled out a new object, and was springing on his prey with redoubled vigour in his wing, and keener vengeance in his eye. The fact with Mr. Hastings was precisely this:—Having failed in the case of Cheit Sing, he saw his fate; he felt the necessity of procuring a sum of money somewhere, for he knew that to be the never-failing receipt to make his peace wish the directors at home. Such, Mr. Sheridan added, were the true substantial motives of the horrid excesses perpetrated against the Begums!—excesses, in every part of the description of which, he felt himself accompanied by the vigorous support of the most unanswerable evidence; and upon *this* test would he place his whole cause. Let gentlemen lay their hands upon their hearts, and with truth issuing in all its purity from their lips, solemnly declare whether they *were* or *were not* convinced that the *real* spring of the conduct of Mr. Hastings far from being a desire to crush a rebellion (an ideal, fabulous rebellion!) was a malignantly rapacious determination to seize, with lawless hands, upon the treasures of devoted, miserable, yet unoffending victims.

Appeal to the House of Commons on the Begum Charge.

HE heard of factions and parties in that house, and knew they existed. There was scarcely a subject upon which they were not broken and divided into sects. The prerogative of the crown found its advocates among the representatives of the people. The privileges of the people found opponents even in the House of Commons itself. Habits, connexions, parties, all led to diversity of opinion. But when inhumanity presented itself to their observations, it found no division among them: they attacked it as their common enemy; and, as if the character of this land was involved in their zeal for its ruin, they left it not till it was completely overthrown.—It was not given to that house, to behold the objects of their compassion and benevolence in the present extensive consideration, as it was to the officers who relieved, and who so feelingly described the extatic emotions of gratitude in the instant of deliverance. They could not behold the workings of the heart, the quivering lips, the trickling tears, the loud and yet tremulous joys of the millions whom their vote of this night would for ever save from the cruelty of corrupted power. But though they could not directly see the effect, was not the true enjoyment of their benevolence increased by the blessing being conferred unseen? Would not the omnipotence of Britain be demonstrated to the wonder of nations, by stretching its mighty arm across the deep, and saving by

its *fiat* distant millions from destruction? And would the blessings of the people thus saved, dissipate in empty air? No! if I may dare to use the figure,—we shall constitute Heaven itself our proxy, to receive for us the blessings of their pious gratitude, and the prayers of their thanksgiving. It is with confidence, therefore, Sir, that I move you on this charge, "that Warren Hastings be impeached."

Corruption the leading Principle of Mr. Hastings's Government.

BUT the more close and minute investigation which it was his duty to apply to the facts contained in the charge, had completely altered his opinion; and he scarcely harboured even the slightest doubt of being able to satisfy the committee, that Mr. Hastings had all along governed his conduct by corruption, as gross and determined, as his oppression and injustice had proved severe and galling. In reviewing his conduct, he had found it to spring from a wild, eccentric, and irregular mind. He had been every thing by fits and starts.—Now proud and lofty; now mean and insidious; now generous; now just; now artful; now open;—now deceitful; now decided;—in pride, in passion, in every thing changeable, except in corruption. In corruption he had proved uniform, systematic, and methodical;—his revenge a tempest, a tornado, blackening, in gusts of pride, the horizon of his dominion; and carrying all before it.

PERORATION TO HIS SPEECH ON MOVING AN IMPEACHMENT OF MR. HASTINGS ON A CHARGE OF CORRUPTION.

BUT this justice, he hoped and trusted, would not be refused in a British parliament;—they owed it to their own dignity, to the support of the resolutions into which they had already entered, to the honour of the country, the prosperity of the government, and the rights of humanity! The present charge (he should beg leave to repeat) was not, perhaps, of that nature which came home most effectually to the feelings of men; it could not excite those sensations of commiseration or abhorrence which a ruined prince, a royal family reduced to want and wretchedness, the desolation of kingdoms, or the sacrilegious invasion of palaces, would certainly inspire! In conclusion, (Mr. Sheridan observed,) that, although within this *rank*, but infinitely too fruitful wilderness of iniquities—within this dismal and unhallowed labyrinth—it was most natural to cast an eye of indignation and concern over the wide and towering forests of enormities—all rising in the dusky magnificence of guilt; and to fix the dreadfully-excited attention upon the huge trunks of revenge, rapine, tyranny, and oppression;—yet it became not less necessary to trace out the poisonous weeds, the baleful brushwood, and all the little, creeping, deadly plants, which were, in quantity and extent, if possible, more noxious. The whole range of this far-spreading calamity was sown in the hot-bed of corruption; and had risen, by rapid and mature growth, into every species of illegal and atrocious violence!

Upon this ground, most solemnly should he conjure the committee to look to the malignant source of every rooted evil; and not to continue satisfied with reprobating effects, whilst the great cause enjoyed the power of escaping from merited crimination, and the infliction of a just punishment.

Ridicule of the Dog Tax Bill.

NOW in regard to the bill itself, he never met with one more extraordinarily worded; and the folly of it extended even to the title: for, whereas the title should have been "A tax bill," it was entitled, "A bill for the better protection of the persons and property of his Majesty's subjects against the evil arising from the increase of dogs, by subjecting the keeping or having such dogs to a duty." Hence, instead of supposing, as it generally had been supposed, that dogs were better than watchmen for the protection of property, people might be led to imagine that dogs were guilty of all the burglaries usually committed. In the preamble, also, there was the same species of phraseology: for it begins—"Whereas many dangers, accidents, and inconveniences," which, to be sure, was a beautiful climax! "had happened to the cattle, and other property of his Majesty's subjects." Now he had never before heard of any particular accidents happening to property from the hydrophobia, except in the case of cattle. In the Adventurer, a periodical paper, published by the ingenious Dr. Hawkesworth, he remembered, indeed, a sort of humorous account of a dog that bit a hog in the streets; the hog bit a farmer, and the farmer bit a cow; and, what was very extraordinary, each conveyed his peculiar quality to the other: for the hog

barked like a dog, the farmer grunted like a hog, and the cow did the best to talk like the farmer. Now, he thought, there must have been something like this disposition in inanimate things also, by the conduct of the honourable gentleman looking so carefully after property; for, unless an instance had occurred of furniture's behaving in a disorderly manner, or a dumb waiter's barking in consequence of the hydrophobia, he conceived such a phrase could not have been introduced.

Counterbalance to our Successes in the French War.

CONSIDER the price which has been paid for these successes. For these boasted successes, I will say, give me back the blood of Englishmen which has been shed in this fatal contest—give me back the 250 millions of debt which it has occasioned—give me back the honour of the country, which has been tarnished—give me back the credit of the country, which has been destroyed—give me back the solidity of the Bank of England, which has been overthrown; the attachment of the people to their ancient constitution, which has been shaken by acts of oppression and tyrannical laws—give me back the kingdom of Ireland, the connexion of which is endangered by a cruel and outrageous system of military coercion—give me back that pledge of eternal war which must be attended with inevitable ruin! Put what we have lost into the scale against what we have gained, and say if the price exceeds the value of the object.

Character of Mr. Pitt out of Place.

THE minister takes no strong ground of defence: I won't say he dare not take it. There he sits to receive the *attack* of the *new* confederacy, who are not great in numbers, but in talents. The ex-minister is mounted on a kind of *hill fort* to fire down on the *assailants*, but the *garrison* is all manned with *deserters* from the principles of the war! I should like to support the present minister on fair ground; but what is he? a sort of *outside passenger*—or rather a man leading the horses round the corner, while reins, whip, and all, are in the hands of the coachman on the *box! (looks at Mr. Pitt's elevated seat, three or four benches above that of the Treasury.)* Why not have an union of the two ministers, or, at least, some intelligible connexion? When the ex-minister, quitted office, almost all the *subordinate* ministers kept their places! How was it that the whole family did not move together? Had he only one *covered waggon* to carry *friends and goods?* Or has he left directions behind him that they may know where to call? I remember a fable of *Aristophanes:* it is translated from Greek into decent English. I mention this for the country-gentlemen. It is of a man who sat so long on a seat (about as long, perhaps, as the ex-minister did on the treasury-bench) that he grew to it. When Hercules pulled him off he left all the sitting part of the man behind him! The house can make the allusion. This is not a noble, manly kind of coalition between these gentlemen. Of that ex-minister I would just say, that no man admires his splendid talents more than I do.

If ever there was a man formed and fitted by nature to benefit his country, and to give it lustre, he is such a man. He has no low, little, mean, petty vices. He has too much good sense, taste, and talent to set his mind upon ribands, stars, titles, and other appendages and idols of rank. He is of a nature not at all suited to be the creature or tool of any court. *(Mr. Pitt bowed repeatedly.)* But while I thus say of him no more than I think his character and great talents deserve, I must tell him how grossly he has misapplied them in the politics of this country; I must tell him again how he has augmented our national debt, and of the lives he lost in this war. I must tell him he has done more against the privileges of the people, increased more the power of the crown, and injured more the constitution of his country than any minister I can mention.

Application of an Anecdote of Garrick.

IT may be said, that as the noble lord was so unfit for the military department, the naval was the proper place for him. Perhaps there were people who would adopt this whimsical reasoning. I remember a story told respecting Mr. Garrick, who was once applied to by an eccentric Scotchman, to introduce a production of his on the stage. This Scotchman was such a good-humoured fellow, that he was called "honest Johnny M'Cree." Johnny wrote four acts of a tragedy, which he shewed to Mr. Garrick, who dissuaded him from finishing it, telling him that his talent did not lie that way; so Johnny abandoned the tragedy, and set about writing a comedy. When this was finished, he shewed it to Mr. Garrick, who found it to be still more exceptionable

than the tragedy, and of course could not be persuaded to bring it forward on the stage. This surprised poor Johnny, and he remonstrated. "Nay, now, David (said Johnny), did you not tell me that my talents did not lie in tragedy?"—"Yes (replied Garrick), but I did not tell you that they lay in comedy."—"Then, (exclaimed Johnny), gin they dinna lie there, where the de'il dittha lie, mon? Unless the noble lord at the head of the admiralty has the same reasoning in his mind as Johnny M'Cree, he cannot possibly suppose that his incapacity for the direction of the war department, necessarily qualifies him for the presidency of the naval. Perhaps, if the noble lord be told that he has no talents for the latter, his lordship may exclaim with honest Johnny M'Cree, "Gin they dinna lie there, where the de'il dittha lie, mon?"

Character of Mr. Pitt after his Death.

AS for me (said Mr. Sheridan), there were many who flattered him more than I, and some who feared him more; but there was no man who had a higher respect for his transcendant talents, his matchless eloquence, and the greatness of his soul; and yet it has been often my fate to have opposed his measures. I may have considered that there was somewhat too much of loftiness in his mind which could not bend to advice, or scarcely bear co-operation. I might have considered, that as a statesman his measures were not adequate to the situation of the country in the present times, but I always thought his purpose and his hope was for the greatness and security of the empire. Let not his friends

then suppose they are dealing fairly with the house, in representing that we seek a triumph over the memory of that illustrious man, when we now move the repeal of a measure, which he would himself have repealed if he had lived. A right honourable gentleman (Mr. Wilberforce), who had many opportunities of knowing his intentions, has told you that he intended to repeal it if it failed in getting men. It has failed. Let the failure of the measure be buried in his grave, and never remembered in his epitaph.

Opinion on the Misgovernment of Ireland.

THE fact is, that the tyranny practised upon the Irish has been throughout unremitting. There has been no change but in the manner of inflicting it. They have had nothing but variety in oppression extending to all ranks and degrees of a certain description of the people. If you would know what this varied oppression consisted in, I refer you to the penal statutes you have repealed, and to some of those which still exist. There you will see the high and the low equally subjected to the lash of persecution; and still some affect to be astonished at the discontents of the Irish. But with all my reluctance to introduce any thing ludicrous upon so serious an occasion, I cannot help referring to a little story which those very astonished persons call to my mind. It was with respect to an Irish drummer, who was employed to inflict punishment upon a soldier. When the boy struck high, the poor soldier exclaimed: "Lower, bless you," with which the boy complied. But soon after the soldier exclaimed: "Higher, if you please." But again he called out,

"A little lower," upon which the accommodating boy addressed him—"Now, upon my conscience, I see you are a discontented man; for, strike where I may, there's no pleasing you." Now your complaint of the discontents of the Irish appears to me quite as rational, while you continue to strike, only altering the place of attack.

British Protection to India.

SHOULD a stranger survey the land formerly Sujah Dowlah's, and seek the cause of its calamity—should he ask, what monstrous madness had ravaged thus, with wide-spread war—what desolating foreign foe—what disputed succession—what religious zeal—what fabled monster has stalked abroad, and with malice and mortal enmity to man, has withered with the gripe of death every growth of nature and humanity—all the means of delight, and each original, simple, principle of bare existence? The answer will be, if any answer dare be given, No, alas! not one of these things! no desolating foreign foe!—no disputed succession!—no religious super-serviceable zeal! This damp of death is the mere effusion of British amity; we sink under the pressure of their support—we writhe under the gripe of their pestiferous alliance.

Thus they suffered; in barren anguish and ineffectual bewailings. And, O audacious fallacy! says the defence of Mr. Hastings, What cause was there for any incidental ills, but their own resistance?

The cause was nature in the first born principles of man. It grew with his growth! it strengthened with his strength! It taught him to understand; it enabled him to feel: for

where there is human fate, can there be a penury of human feeling? Where there is injury, will there not be resentment? Is not despair to be followed by courage? The God of battles pervades and penetrates the inmost spirit of man, and rousing him to shake off the burthen that is grievous, and the yoke that is galling; will reveal the law written in his heart, and the duties and privileges of his nature—the grand, universal compact of man with man! That power is delegated in trust, for the good of all who obey it;—that the rights of men must arm against man's oppression, for that indifference were treason to human state; and patience, nothing less than blasphemy against the laws which govern the world.

Sufferings of the Nabob of Oude.

THE letters of Middleton, however, were sufficient to prove the situation of the Nabob, when pressed to the measure of resuming the Jaghires, in which he had been represented as acting wholly from himself. He was there described as lost in sullen melancholy—with feelings agitated beyond expression, and with every mark of agonized sensibility. To such a degree was this apparent, that even Middleton was moved to interfere for a temporary respite, in which he might be more reconciled to the measure.—"I am fully of opinion," said he, "that the despair of the Nabob must impel him to violence; I know also that the violence must be fatal to himself; but yet I think, that with his present feelings he will disregard all consequences." Mr. Johnson also, the assistant-resident, wrote at the same time to Mr. Hastings, to aver to him that the measure was dangerous,

that it would require a total reform of the collection, which could not be made without a campaign! This was British justice! this was British humanity! Mr. Hastings ensures to the allies of the company, in the strongest terms, their prosperity and his protection; the former he secures by sending an army to plunder them of their wealth and to desolate their soil! His protection is fraught with a similar security; like that of a vulture to a lamb; grappling in its vitals! thirsting for its blood! scaring off each petty kite that hovers round; and then, with an insulting perversion of terms, calling sacrifice *protection!*—an object for which history seeks for any similarity in vain. The deep searching annals of Tacitus;—the luminous philosophy of Gibbon;—all the records of man's transgressing, from original sin to the present period, dwindle into comparative insignificance of enormity; both in aggravation of vile principles, and extent of their consequential ruin! The victims of this oppression were confessedly destitute of all power to resist their oppressors; but that debility, which, from other bosoms, would have claimed some compassion, with respect to the mode of suffering, here excited, but the ingenuity of torture! Even when every feeling of the Nabob was subdued, nature made a lingering, feeble stand within his bosom; but even then that cold unfeeling spirit of magnanimity, with whom his doom was fixed, returned with double acrimony to its purpose, and compelled him to inflict on a parent that destruction, of which he was himself reserved but to be the last victim!

Filial Piety.

THE counsel, in recommending attention to the public in preference to the private letters, had remarked, in particular, that one letter should not be taken as evidence, because it was manifestly and abstractedly private, as it contained in one part the anxieties of Mr. Middleton for the illness of his son. This was a singular argument indeed; and the circumstance, in his mind, merited strict observation, though not in the view in which it was placed by the counsel. It went to shew that some at least of those concerned in these transactions, felt the force of those ties, which their efforts were directed to tear asunder;—that those who could ridicule the respective attachment of a mother and a son;—who would prohibit the reverence of the son to the mother who had given him life;—who could deny to *maternal debility* the protection which *filial tenderness* should afford;—were yet sensible of the *straining* of those *chords* by which they were connected.—There was something connected with this transaction so wretchedly horrible, and so vilely loathsome, as to excite the most contemptible disgust. If it were not a part of his duty, it would be superfluous to speak of the sacredness of the ties which those aliens to feeling,—those apostates to humanity had thus divided. In such an assembly as that which I have the honour of addressing, there is not an eye but must dart reproof at this conduct;—not a heart but must anticipate its condemnation. "Filial Piety! It is the primal bond of society—it is that instinctive principle, which, panting for its proper good, soothes, unbidden,

each sense and sensibility of man!—it now quivers on every lip!—it now beams from every eye!—it is an emanation of that gratitude, which softening under the sense of recollected good, is eager to own the vast countless debt it ne'er, alas! can pay, for so many long years of unceasing solicitudes, honourable self-denials, life-preserving cares!—it is that part of our practice, where duty drops its awe!—where reverence refines into love!—it asks no aid of memory!—it needs not the deductions of reason!—pre-existing, paramount over all, whether law, or human rule, few arguments can increase and none can diminish it!—it is the sacrament of our nature!—not only the duty, but the indulgence of man—it is his first great privilege—it is amongst his last most endearing delights!—it causes the bosom to glow with reverberated love!—it requites the visitations of nature, and returns the blessings that have been received!—it fires emotion into vital principle—it renders habituated instinct into a master-passion—sways all the sweetest energies of man—hangs over each vicissitude of all that must pass away—aids the melancholy virtues in their last sad tasks of life, to cheer the languors of decrepitude and age—explores the thought—elucidates the aching eye!—and breathes sweet consolation even in the awful moment of dissolution!

Apostrophe on detailing the Sufferings of the Nabob's Ministers.

THERE, where the British flag was flying, they were doomed to deeper dungeons, heavier chains, and severer punishments;—there, where that flag was flying, which was wont to cheer the depressed, and to elate the subdued heart of misery, these venerable, but unfortunate men were fated to encounter something *lower* than *perdition*, and something *blacker* than *despair!* It appeared from the evidence of Mr. Holt and others, that they were both cruelly flogged, though one was about seventy years of age, to extort a confession of the buried wealth of the Begums! Being charged with disaffection, they proclaimed their innocence. "Tell us where are the remaining treasures, (was the reply)—it is only treachery to your immediate sovereigns:—and you will then be fit associates for the representatives of British faith and British justice in India!"—"Oh! Faith, Oh Justice!" exclaimed Mr. Sheridan, "I conjure you by your sacred names to depart for a moment from this place, though it be your peculiar residence; nor hear your names profaned by such a sacrilegious combination, as that which I am now compelled to repeat!—where all the fair forms of nature and art, truth and peace, policy and honour, shrunk back aghast from the deleterious shade!—where all existences, nefarious and vile, had sway;—where, amidst the black agents on one side, and Middleton with Impey on the other, the toughest head, the most unfeeling heart! the great figure of the piece, cha-

racteristic in his place, stood aloof and independent from the puny profligacy in his train!—but far from idle and inactive, —turning a malignant eye on all mischief that awaited him! —the multiplied apparatus of temporising expedients, and intimidating instruments! now cringing on his prey, and fawning on his vengeance!—now quickening the limpid pace of craft, and forcing every stand that retiring nature can make in the heart! violating the attachments and the decorums of life! sacrificing every emotion of tenderness and honour! and flagitiously levelling all the distinctions of national characteristics! with a long catalogue of crimes and aggravations, beyond the reach of thought, for human malignity to perpetrate, or human vengeance to punish!

British Justice.

BUT *justice* is not this halt and miserable object! It is not the ineffective bauble of an Indian pagod!—it is not the portentous phantom of despair;—it is not like any fabled monster, formed in the eclipse of reason, and found in some unhallowed grove of superstitious darkness, and political dismay! No, my lords!

In the happy reverse of all these, I turn from this disgusting caricature to the *real image!—Justice* I have now before me, *august* and *pure*; the abstract idea of all that would be perfect in the spirits and the aspirings of men!—where the mind rises, where the heart expands;—where the countenance is ever placid and benign;—where her favourite attitude is to stoop to the unfortunate—to hear their cry, and

to help them,—to rescue and relieve,—to succour and save: —majestic from its mercy; venerable from its utility:—uplifted without pride,—firm without obduracy:—beneficent in each preference:—lovely, though in her frown!

On *that justice I rely;* deliberate and sure, abstracted from all party purpose and political speculations! not in words, but on facts!—You, my lords, who hear me, I conjure by those *rights* it is your best privilege to preserve; by that fame it is your best pleasure to inherit; by all those *feelings* which refer to the first term in the series of existence, the *original compact* of our nature—our *controling rank* in the creation.—This is the call on all, to administer to truth and equity, as they would satisfy the laws and satisfy themselves, with the most exalted bliss, possible, or conceivable for our nature.—The *self-approving consciousness of virtue,* when the condemnation we look for will be one of the most ample mercies accomplished for mankind since the creation of the world!

Peter Burrowes Esq.r

MR. BURROWES.

PETER BURROWES was born in Portarlington in the King's County, in Ireland, educated in Trinity College, and finally called to the Irish bar where he now holds the rank of King's counsel. His life has chiefly been employed in professional pursuits, and employed equally to his own credit and the advantage of his clients. No man in any sphere of life holds an higher estimation for integrity and worth. His eloquence, always pure, often splendid, gains additional force from the simplicity of his mind and the irresistible sincerity of his manner. The first in order of the following speeches was pronounced by him upon the first prosecution carried on, by the Irish government, against the persons who were elected to prepare a petition to parliament on behalf of the Roman Catholics of Ireland. It was contended by the Attorney-general, that under the Con-

vention Act, passed in Ireland in 1793, every species of delegation for such a purpose was within the act, even though the object of such delegation was simply to prepare such a petition, and that no other illegal act was committed or even contemplated. The jury acquitted the traverser. However a second effort was made, and a second jury was found, who adopted the construction of the Court, and even refused to find a special verdict that the opinion of a Court of Error might be taken, though the traverser's counsel strongly urged the fairness of such a proceeding, and offered to consent to a finding of all the facts stated on behalf of the crown! As the Convention Act purports to be a declaratory law, and was treated as such during the discussion, the people of England, as well as of Ireland, are deeply interested in the subject. For it is evident that by the aid of the act against tumultuous petitions and the Convention Act thus construed, the right of petitioning parliament is so manacled that no man can believe that the subjects of this realm can have a fair and free exercise of that invaluable privilege. Mr. Burrowes's argument on the subject seems to me a fine specimen of legal and constitu-

tional reasoning, and therefore I have deemed it worthy of greater permanency than the ephemeral publications of the day could give it. To this, in order that the variety of his great powers might be visible, I have added another entire speech upon a topic more generally interesting. Robinson's case contains all the romance of a fairy tale unfortunately combined with all the truth of history, for, he was convicted. The advocate's detail of his conduct is a model of descriptive eloquence, calculated to excite the most powerful emotions without appearing to outstep, for a moment, the mere simplicity of narration. His slight sketches of Serjeant Ball and Mr. Grattan are rather in a more elevated style, but quite admirable, and I believe they are quite as true as they are eloquent.

IRISH ELOQUENCE.

SPEECH OF MR. BURROWES ON BEHALF OF EDWARD SHERIDAN, M. D.

MY Lords, and Gentlemen of the jury—It is no common place exaggeration to assert, that the question upon which you are to decide is serious, and interesting in the extreme, and claims your utmost attention. His majesty's attorney-general more than insinuates that the peace of the country and the stability of its government depend upon your verdict. In this I agree with the attorney-general, and I add to the catalogue of things at hazard (what does not much appear to excite his sensibility) the invaluable right of petitioning. But I totally differ from his majesty's attorney-general as to the mode in which your verdict may affect these great concerns, for it is the firm conviction of my mind, that if you shall, in the person of Mr. *Sheridan*, attaint the Catholic body of Ireland of treasonable practices, all these great objects will be more than hazarded. I well know with what inferior weight of talents and influence, I make this contrasted assertion; but I feel, I confidently feel, that this inferiority, great and formidable as it is, is more than counterbalanced by the weight of the cause I advocate.—Before I enter upon that cause I must, I will freely remark upon what occurred under every eye, and therefore under your own, while you were impannelling. I confess, gentlemen, I

was astonished to find that no Roman Catholic was suffered to enter that box, when it is well known that they equal, if not exceed, Protestant jurors upon other occasions, and when the question relates to privileges of which they claim a participation, and you possess a monopoly. I was astonished to see twenty-two Protestant jurors, of the highest respectability, set aside by the arbitrary veto of the crown, without any alleged insufficiency, upon the *sole demerit of suspected liberality*. I was astonished to find a juror pressed into the box, who did not deny that he was a sworn Orangeman; and another who was about to admit, until he was silenced, that he had prejudged the cause. Those occurrences, at the first aspect of them, filled me with unqualified despair. I do not say that the crown lawyers have had any concern in this revolting process—but I will say, that they ought to have interfered in counteracting a selection, which has insulted some of the most loyal men in this city, and must disparage any verdict which may be thus procured. But, gentlemen, upon a nearer view of the subject, I relinquish the despair by which I was actuated—I rest my hopes upon your own integrity, your deep interest in the welfare of the country, and the very disgust which yourselves must feel at the manner and motive of your array.—You did not press forward into that jury-box—you did not seek the exclusion —the total exclusion of any Roman Catholic;—you, no doubt, would anxiously desire an intermixture of some of those enlightened Roman Catholics, whom the attorney-general declared, he was certain he could convince, but whom he has not ventured to address in that box. The painful responsibility cast upon you, is not of your own seeking, and I persuade myself, you will, upon due reflection, feel more indisposed to those, who court and inflame your prejudices, and would involve you in an act of deep responsibility, without that fair intermixture of opposite feelings

and interest, which, by inviting discussion, and balancing affections, would promise a moderate and respected decision, than toward me, who openly attack these prejudices, and strive to arm your conscience against them. You know, as well as I do, that prejudice is a deadly enemy to fair investigation—that it has neither eyes nor ears for justice—that it hears and sees every thing on one side only, that to refute it, is to exasperate it, and that when it predominates, accusation is received as evidence, and calumny produces conviction.

One claim I add to your justice, which you cannot, you will not refuse—Listen to the evidence and the arguments with patient attention, and read the indictment and the act of parliament upon which it is founded with the minutest care—they will not, I presume, be withheld from you.—Upon the law of the case, and the true construction of that act, I shall now proceed to comment:

The act, my lords, is very short, and nothing is more easy than to extract a just and perfect definition of the crime it *declares*, and enacts to be a high misdemeanor; that definition is "*representing the people or any portion of the people, under pretence of petitioning for, or otherwise procuring an alteration of matters established by law in Church or State.*" All persons who are in any way, or under any name deputed to, or who assume *such a character*, are guilty under this act: and persons in any way electing or appointing *such assemblies*, namely, assemblies assuming, or exercising a right to *represent* the people, are also guilty. The great question therefore will arise upon the true meaning of the term *represent* in this statute—now I conceive that *to represent* any man, or body of men, both in common and legal parlance, means to fill his or their place, and to possess his or their power, to the exclusion of the body represented during the representation. The representative acts in his own name,

and is invested with all the powers of the body represented; he differs from an attorney, or a man deputed to do a particular act in a defined way; the latter is a mere instrument acting under orders, and in the name of his principal. Such is the meaning unquestionably of representatives of the people in parliament, and from this meaning spring their principal attributes and qualities: they possess the public rights of the people, and exercise them in their own name, without any obligation to obey or even to consult their constituents. In the same sense is representative used as contradistinguished from attorney in all legal relations—the personal representative, the real representative are persons having and exercising rights of their own in their own name. If this meaning be adopted, it is not difficult to understand why to represent the people, or any portion of them should be a crime at commonlaw, and declared to be such. It is evident, that to give, or to assume such a right, would be to encroach upon the exclusive privileges of the House of Commons; and no man can doubt, but that to assume the character or exercise the functions of any department in the state, legislative, executive, or judicial, is, and always was an high misdemeanor—but it never yet was conceived, that to depute a man, or a number of men, to perform a defined, preconceived, legal service, for, and in the name of the persons deputing, was an encroachment upon the rights of parliament, and more particularly when that very service was to propose a petition to that very parliament.—That the legislature uses the word *represent*, in defining the crime, as I explain it, appears conclusively from this, that knowing that the House of Commons must fall under the definition, they expressly except it; "Save and except the knights, citizens and burgesses elected to serve in the parliament thereof;" so that from the legal and constitutional meaning of the word, *represent*; from the excepting the House of Commons

from the enactment, and from the legislative avowal, that the evil to be guarded against was a pre-existing crime; it most clearly follows that the appointment of deputies *bona fide*, to prepare a petition to parliament, and for no other purpose, cannot be within the act. I entreat those who assert the contrary, to inform the public, whether every act of deputation for the purpose of communicating with the parliament, falls within the act, or where they draw the line?—The attorney-general has not drawn any line—will he say, that to depute a few to prepare a petition, or materials for a petition, is criminal:—will such a deputation become criminal, if they consume one, two, three, or how many days in executing their commission? Will it be criminal in the mercantile bodies of Dublin, Cork, Waterford, and Belfast, should each appoint persons to confer upon the general business of trade, and to prepare a petition to parliament upon the subject? The attorney-general has not furnished any boundary or criterion, and if he succeeds in his construction of the law, no man can say, where the spoliation of a great popular right, (I am not ashamed to use the word, much as it has been abused,) will stop.

But we are told that the magistrates are directed and empowered by the law to disperse the assembly declared and enacted to be illegal: and we are triumphantly asked, how can they ever act if false pretence or encroachment upon parliamentary privileges be the criterion of guilt? How can they be supposed to know the false pretence or criminal pursuit? I decline not this test of the meaning of the statute, and I answer that it is no great evil in the mind, at least of any man who is not a law officer, that great difficulty should obstruct the right of dispersing men who are acting peaceably, and who furnish no pretext for such dispersion, but suspected guilt, and imaginary evil result. If they commit any seditious act, or menace the public peace, by riotous or

disorderly conduct, the magistrate may disperse them. If they are associated as usurpers in the slightest degree of parliamentary right, he may also disperse them.—In the latter case he must, and he ought to act at his peril; and I hope I never shall live to see the day, when the tranquillity of the country shall be secured by more extended powers. But has the attorney-general illuminated the intellect of the magistracy upon this subject? Has he defined for their practical guide, what species of delegates they may disperse, and when they should abstain? Are they warranted to attack the Quakers' meeting? Are they warranted to disperse the Presbyterian synod in Ulster? Are they warranted to violate the sanctuary of every deputed chamber of commerce in Ireland? Can there be no conference upon subjects of common interest between persons widely separated, through the medium of agents or committee men (I dread not the phrase) without a previous licence from government? I know not how this may pass in Ireland—but how will this exposition of the common law be relished in England—for it is clearly, and is avowed to be, a common law question, applicable there as well as here—the attorney-general has not explained this, which I wish he may do—I shall not consider it an interruption. What explanation the solicitor-general may give, *when he shall have the last word, fearless of reply*, I cannot anticipate, but certain I am, he cannot in his way of construing the act, ascertain the right and duty of magistrates, without placing the most precious of our reserved civil rights under their foot.

Gentlemen of the jury, we are surfeited with visionary notions, and republican declamation. We have lost our relish for the old, I hope not obsolete, principles of liberty so cherished by our ancestors. From the abuse of things of the highest worth, we begin to forget their value. This, gentlemen, is a most dangerous state, and a most permanent

evil. Every important invasion of right has been founded upon an abuse of that right, and has succeeded through the apathy created by such abuse. Let us not fall into this vulgar error—let us give to the government, and the people, their legitimate rights, and not suffer either to transgress.—Few are the rights reserved to the people, or which can be reserved, under a stable constitution. The legislature must be sovereign. To ascribe to it actual omnipotence is nonsense and impiety, but to ascribe to it relative omnipotence is rational. No power can question or resist its acts, while it exists, but consistent with this acknowledged supremacy are the *reserved popular right of a free press, and an unshackled right of petitioning.* They are the great pedestals of our free and balanced constitution.—Impair either, and it totters.—Withdraw either, and it falls, and crushes the people and their liberties. Do I say that these privileges are incapable of abuse, and should not be controuled in their exercise by law? No, but I say that each should be exercised without previous restraint. Let every man publish at his peril—let no man dare exercise any previous controul over him—but if he publishes a public or private libel, let the law punish him. In the same way suffer nothing to impede the formation or presenting a petition; but if under the pretext of petitioning, men should assemble and violate the law, vindicate the violated law—but do not do, as his majesty's government boasts to have done—suffer the offenders to escape, but attack the privilege which has been abused. Much has been said abut the act of Charles II. in England against tumultuous petitioning.—This act grew out of the licentiousness in the reign of Charles I. and in my opinion, was intended to be repealed by the Bill of Rights. But does it not implicitly recognize and recommend petitioning through delegates? Is not delegation the best remedy of tumultuous petitioning? and will it be said, that the people

shall neither petition in numbers or through delegates, who may collect and communicate their wishes? This cannot be said by any honest statesman. It is always useful to know even the transient sentiment of the people, though it may not always be wise to adopt it. But there are, and ever will be, statesmen, who wish to have it stopped; who always claim popular approbation, but never will, if they can avoid it, suffer their pretensions to be brought to any test. There never was a state empiric, who forced a bitter potion down the throats of the people, who did not say he did so, to gratify their craving appetite. To guard against such mockery and insult is amongst the uses of the right of petitioning. In short, *qui facit per alium, facit per se* and conversly, every man being answerable for the acts of others, authorised by him, may depute others to do legal acts; so may many men appoint one or more deputies for defined legal purposes, so may many, having a common object, appoint deputies to confer with other deputies upon the same object—without this, many salutary pursuits might be absolutely frustrated, the concerns of agriculture—the concerns of trade—the concerns of charity—the concerns of religion might be sacrificed. Neither can the exercise of this right depend upon the number or variety of the persons deputing, or the persons deputed. Such circumstances might, possibly, in some imaginable cases, be an ingredient to be left to a jury, with other evidence to satisfy them, that the purpose avowed was a pretence, and that the real object was to *represent* the people, or any portion of them, not to petition parliament, or to execute any defined preconceived object. But if men should be elected, or assume to represent the people, or any portion of them, for general purposes, and if petitioning should be found by a jury to be a mere pretext, or if such usurpation of the exclusive right of the House of Commons, should, under any pretext, take place, then the

assembly so elected or usurping would be an illegal assembly from their very constitution, independent of any act, and guilty of an high misdemeanour of a treasonable nature, and liable to heavy punishment. This is enough for security, and not too much for freedom.

I come now to another principal ingredient in the crime as defined in the act and the indictment, but which the attorney-general treats as mere form—I mean the allegation, that the assembly, such as it was, was to be constituted *under the pretence* of petitioning parliament. He contends that pretence here means purpose; and that the crime was complete, even though petitioning was the *bona fide* purpose, and the sole purpose. I cannot think, that any of you, gentlemen, unless influenced by his authority, can submit to his reasoning. If he be so confident in this opinion, why did he not use the words *for the purpose*, instead of under the pretence, in the indictment? Why, my lords, did he not give us an opportunity of demurring to such an indictment, or seeking to arrest the judgment, with a right of going to the dernier resort, if your lordships should decide against us? If this argument be valid, such an indictment must be valid, for although it is good pleading to plead in the language of an act of parliament, it is equally good pleading to use equivalent language. Surely it cannot be intended to persuade you, gentlemen of the jury, to find the allegations of the indictment in one sense, and to pronounce the judgment of the law upon them, as if found in another sense, and, in this great question, to leave the traverser without any appeal, though the common sense of all mankind should cry aloud in his favour. I say, gentlemen, if you do find him generally guilty, your verdict will be conclusive, that he, and all with whom he was connected, acted under the pretence, obviously meaning the pretext or false pretence, of petitioning parliament. If you believe it to be so, do not hesitate to condemn.

But if you cannot infer it from the evidence, do not hesitate to acquit: this will be equal justice.

How has the attorney-general proved his exposition of the word pretence? He contends that pretence means claim, true, or false. I admit that pretence is sometimes used in this rare acceptation, and that Milton makes one of his Devils (I do not recollect whether it be the chief Devil) use the phrase "just pretences," but I assert that in this statute, it does not mean claim.—Claim imports some right asserted on one side and disputed on the other. Pretence, in this statute, obviously means the motive alleged to influence the act, the object the person pretending says he is pursuing, and when so used it invariably imports either a "*suppressio veri, or a suggestio falsi,*" either it holds out a motive or object of pursuit not at all in contemplation, or it conceals some other motive or object, which solely or at least principally actuates the party.

This is still more undeniably so when the language used is "under pretence," and I think I might safely give up the question, if the attorney-general shall produce a single passage in any English Author, where such words are used, without importing either falsehood or disguise. I cannot gentlemen, avoid making this general remark. The legislature is about to define an high misdemeanor. It uses a word having, at least nineteen times out of twenty, a criminal meaning, but having rarely a neutral or innocent meaning. Is it to be presumed, that when so used in defining a crime it is to be taken in its rare and innocent sense, and not in its usual and criminal sense? I much fear, gentlemen, if you were to find the traverser guilty, the word pretence could not be construed upon the record in any other than a criminal import, when punishment should be applied to the crime. But my lords, the attorney-general has cited *three* statutes upon which he relies; he refers you to 32 Hen. 8. in England, the

same as 15 Char. 1st, in Ireland. This is an act to prevent the sale of "pretensed rights or titles," by persons not having possession, and he cites Lord Coke to shew that in expounding that statute, it was not considered as material whether the right sold was a good or bad title. Lord Coke could not have otherwise decided without manifest absurdity, but can the attorney-general seriously contend that "pretensed title" in that statute, and pretence in the present have in their meaning any affinity to each other? Does he really think that the word pretence in the act under discussion means claim, and that the legislature referred to persons who should assemble to assert their right or title to petition? Was such a right ever disputed; could it be presumed it would ever be disputed? No; the legislature obviously meant to refer to persons, who holding out the false and affected purpose of exercising an unquestionable and unquestioned right, should really and in fact assemble for other dangerous and disguised purposes. Such is the meaning, which every plain understanding must extract from this statute, and it would be a sad necessity, if a legal or judicial mind should be compelled to construe it in a sense far from its so obvious and manifest import.

Neither do I feel any force from the epithet false, applied to pretence in the statute punishing the obtaining goods or money upon false pretences. Nothing is more common than to add by epithet, what is comprehended in the principal and substantive word. Wilful and malicious murder, wilful and corrupt perjury, are combinations in daily use, and occur in every indictment upon the subject; yet no man could doubt, but that murder and perjury would imply these epithets, when used without them either in statutes, or in any other writing, "*expressio eorum quæ taciti insunt nil operatur.*" The statute of Ch. II. against tumultuous petitioning appears to me to be as little illustrative of the attor-

ney-general's meaning as the others. It enacts, "that no person or persons shall repair to his majesty or both or either houses of parliament upon pretence of delivering any petition, accompanied with an excessive number."

In the case here stated, the pretence from the very nature of the subject, must be false, for it is impossible to conceive the accompaniment of an excessive crowd necessary to the mere delivery of a petition. Therefore it is quite reasonable, to infer a violation of the act from such accompaniment, but can the same reasoning apply to preparing a petition, preparing materials upon the subject, discussing the subject, and collecting the sentiments of those who are most interested upon it? But, my lords and gentlemen of the jury, all this reasoning is superfluous upon my part, the legislature, as if presaging, that in after times some effort might be made to curtail the privilege of petitioning, under the pretence of this statute, have shielded that noble privilege against all possible misrepresentation, for in the final section it is enacted, "provided that nothing herein shall be construed in any manner *to prevent or impede* the undoubted right of his majesty's subjects of this realm to petition his majesty, or both houses or either house of parliament, for redress of any public or private grievance."

The attorney-general has founded an argument upon this proviso, being in the fourth and last section of the act, and not in the first section where the crime is defined. As I cannot comprehend this distinction, I shall not attempt to combat it, but I will appeal to the common sense or the professional sense of all who hear me, whether words could be devised more perfectly and comprehensively protecting a right from impairment or diminution: try it by this criterion; suppose it was agreed by every member of parliament to leave the right, and the exercise of the right of petitioning uncontrouled, and to provide a clause for the purpose, and

suppose this clause was proposed as sufficient for the purpose. Could the most jealous and suspecting advocate for popular rights reasonably object to it? If he did, would he not be considered as factious and unreasonable? But attend to the words, "nothing in the act shall be construed in ANY DEGREE TO IMPEDE the *undoubted right to petition*," can it be said that deputation cannot afford any facility to the exercise of the right of petitioning? On the contrary, it is not manifest that in many cases (and in none so strongly as in the present) that without the aid and instrumentality of agents or deputies or committees, I care not what name is used, while the purpose is *innocent* and *laudable*, this invaluable privilege would lose more than half its value? and is it not equally manifest, that to take away such facilities in the exercise and enjoyment of such a right, would be in some degree to impede it? This appears to me to be too plain to need further enforcement or illustration. But suppose the statute obscure or doubtful, in such cases the history of the times and the evil to be remedied, are always looked upon as the best interpretation of the true meaning.

What was the evil which, in 1793, induced the attorney-general, and the government of that day to introduce this bill; in stating it I am vindicating the memory of that attorney-general and of that government, from the misconstruction, and the misapplication of the act, by their successors of the present day. There existed shortly previous to the enactment of that law, a body *representing* the whole province of Ulster in the illegal and dangerous sense which I have ascribed to the term. They sat at Dungannon, they acted and resolved in their own names as general representatives of that province. They abstained from no subject legislative or executive. They did not confine themselves, or pretend to confine themselves to any *defined preconceived* object. They did not pretend to seek, even a subsequent adoption or rati-

fication of the measures or resolutions they adopted. Their avowed purpose was to destroy or new model, all or most of the ancient and venerable departments of the state and constitution. They would annihilate the boroughs, purge the House of Lords of ecclesiastical intermixture, extend the elective franchise to the whole rabble, interfere with the executive in the prerogative of making peace and war, and, in short, controul and dictate upon every subject. In the name of God can any man say, there is any resemblance between an assembly such as I have described, and a Catholic committee such as I acknowledge is now in existence, for the *sole bona fide* purpose of preparing a *petition for the subsequent* ratification and adoption of individuals of their body. If the truth of the alleged purpose be doubted, let that question be left to any jury, however selected for their prejudices, provided they be like you, men of sense and integrity. This representative body of Ulster had actually convoked a representative body of the whole people of Ireland, to sit at Athlone upon the exact principles of their own formation. It was against this portentous and unconstitutional assembly, that the convention act was provided, and not against any Catholic committee either then in existence or meditated, as I shall hereafter more fully demonstrate. But I shall first lay before you the resolutions of the Ulster convention held at Dungannon, taken from a pamphlet published at the time by Mr. Joseph Pollock now chairman of the county of Down. He was himself a member of that convention, and his mind being awakened to a sense of the unconstitutional nature, and dangerous tendency of that assembly, he publicly and manfully warned the parliament, and the nation against them: listen, I entreat you, to their resolutions, they were passed on the 15th of February, 1793, while parliament was sitting.

"Resolved, That it is the constitutional right of the

people, and essential to *the very being of* THEIR liberty, to be FULLY and FAIRLY represented in their own house of parliament.

" That *the present state of the representation* in the House of Commons is *partial* and *inadequate*, subversive of the rights of the people, and an INTOLERABLE GRIEVANCE.

" That it appears to us, that several LORDS spiritual and temporal, as well as COMMONS, direct the return of more than TWO HUNDRED members of the Irish House of Commons, being not *one third* of the representation of *the people.*

" That it is the opinion of this meeting, that all boroughs should be disfranchised, and representation established on FAIR and RATIONAL principles, by extending the elective franchise equally to persons of every religious persuasion; by elections frequently repeated, and by a distribution of representatives, proportioned to the *population* and *wealth* of the country.

" That deeming a complete parliamentary reform, essential to the *peace, liberty, and happiness of the people,* we do most solemnly pledge ourselves to each other, and to our country, that we will never abandon the pursuit of this important subject; but zealously and steadily persevere, until a *full* and *fair* representation of the people shall be unequivocally obtained.

" That a power be vested in a committee, consisting of thirty persons, for the purpose of re-convoking this assembly (as occasion may arise) until the constituent body is pleased to return another representation of the province. AND THAT on a recommendation by letter to William Sharman, Esq. at Moira, signed by seven of the committee, he shall, by circular letter to the rest, procure the sense of a majority, and if the measure of a *provincial* meeting be by them approved of, he shall forthwith issue a summons in the name of the

committee for that purpose. (Here follow the names of the committee.)

" That the above named committee be authorized to communicate with the other provinces of this kingdom, at this important crisis, and to consult proper means of calling a *National Convention* at a future day, should circumstances render such a meeting unavoidably necessary.

" Resolved, That we behold with indignation an intention of embodying a MILITIA in this kingdom, a measure which only has *ministerial influence* for its object, which we deem *burdensome* and totally *unnecessary*.

" Resolved *unanimously*, That it is with infinite concern we behold this kingdom likely to be involved in the horrors and expences of a *foreign war*; a war by which, as a nation, we can gain nothing; but on the contrary, *must* expose our commerce to depredation, and our country to unprovoked hostility."

That the meditated Athlone convention, and not the Roman Catholic committee, was the object, as well as the cause of this Act, will fully appear from the debates upon it. Mr. Wolfe, the attorney-general of the day, and Mr. Hobart, the chief secretary, the framers and introducers of the act, expressly disclaim any reference to the Catholic committee, or any intention to interfere with the right of deputation for any limited *preconceived* object; and although the opposition of the day did oppose it as touching upon the right of petitioning, it is much more reasonable to take the sense of the House from those with whom a vast majority agreed and voted, than from the jealous construction of a few opposition members. [Here Mr. Burrowes was proceeding to read passages from the debates upon the Convention Act, when the Chief Justice observed, that such debates were not admissible evidence, and therefore ought not to be stated.]

Mr. Burrowes proceeded—My lords, I submit to the opinion of the Court, and shall no further mention those debates; but I shall refer you to contemporary evidence at once admissible, and to my understanding conclusive upon the subject. I mean the act of the 33d of the King, the very act from which the attorney-general read the affecting detail of remaining Roman Catholic restrictions; this act containing such liberal concessions to the Roman Catholic body was passed in the same sessions with the Convention Act, and perhaps received the royal assent the very same day. It was the result of a petition framed by the Catholic committee—Roman catholic deputies, avowed members of that committee, negociated again and again with the Irish government, and with the English government, particularly with Mr. Pitt and Mr. Dundas upon the subject; they were introduced to, and graciously received by, the King himself, about that period. It was then deemed wise and constitutional to hold intercourse with men who understood and could truly communicate the sentiments and feeling of their community. I shall read the recital of that act—"Whereas various acts of parliament have been passed, imposing on his Majesty's subjects professing the Roman Catholic religion, many restraints and disabilities, and from the *peaceable and loyal demeanour* of his Majesty's Popish or Roman Catholic subjects, it is fit that such restraints and disabilities be discontinued." Now I ask is not this recital decisive evidence, that the legislature did not consider the Roman Catholic Convention, through whose mediation the very act passed, an illegal or unconstitutional assembly? Or is it to be conceived, that they would pass an act with such a recital, and immediately after denounce the body through whose mediation it was obtained? Such a supposition would not be more derogatory to the character of the Roman Catholic, than to the truth and consistency of parliament. The attor-

ney-general cannot conceive any use in delegation—he says it would require only a capacity of writing a few lines, praying a repeal of the Test Acts, which any individual might perform, to bring the Catholic demands fully before parliament, where no doubt, however introduced, they would receive a full and candid discussion. My right honourable and learned friend is one of the worthiest and ablest men living—but I will take the liberty of telling him that he is in a state of more than Bœotian darkness as to either the history or present state of his Roman Catholic brethren—he would not otherwise speak as he has spoken, or act as he has acted. I will tell him, that something more than the simple process he recommends, is, was, and always will be, necessary to a discussion of the claims of a people, seeking a restoration of privileges of which they have been deprived; I will tell him that if the Roman Catholics of Ireland confined themselves to the simple mode which he recommends, they would not now be a people, or Ireland a nation. I will give him a very summary review of the proceedings of the Roman Catholics, in order that he may judge from experience whether delegated committees were serviceable. From the Revolution to the accession of Geo. II. the Roman Catholics were mute, they did not address the crown or the parliament for any amelioration of their state, they merely made faint efforts to resist each additional penal law. During that period they were in a condition more abject and and groveling (to borrow a phrase from a learned and eloquent friend of mine) than the beast that browzed upon the land which they cultivated by their labour. Their silence; their declining to address the crown or the parliament during that period, was frequently commented upon, as indicating a dissatisfied and stubborn spirit. It was so construed by the Tories during the reign of Queen Anne, and by the Whigs during the reign of George the First, and furnished both with

a pretence, amongst others, of adding largely to the penal code. Upon the accession of Geo. II. in 1727, it was deemed adviseable to break this silence, and silence this pretence, and accordingly lord Delvin, and the principal of the Roman Catholic gentry presented a most loyal and duteous address from the Catholic body to the then lords justices, to be presented to the throne. It never has been found an easy task for the oppressed to please his oppressor. To this loyal address no answer was given—no public notice was ever taken of it—possibly it never reached the king's hand, and if it did, it might have touched his heart. But it did not pass wholly unnoticed and without effect—Primate Boulter, in a letter to lord Carteret, professes much alarm at this first act of the Catholics as a community—he seems to consider it as a most portentous phenomenon; and immediately after, in the very same year, by the 1 Geo. II. ch. 9. sec. 7. they were deprived of the elective franchise. The following year a bill was introduced to prevent Roman Catholics from acting as solicitors. Several individuals in Cork and in Dublin raised a subscription to defray the expence of opposing this bill—an interdicted priest gave information of this foul conspiracy (as it was called) to bring in the Pope and Pretender. The transaction was referred to a committee of the House of Commons, who actually reported that 5*l.* was collected, and resolved, that it appeared to them, that under the pretence of opposing heads of bills, sums of money had been collected, and a fund established by the Popish inhabitants of the kingdom, highly detrimental to the Protestant interest—and they resolved to address the lord lieutenant that he might issue his proclamation to all magistrates, to put the laws against Popery into execution. This I presume is the precedent upon which the attorney-general has founded his advice to his Majesty's government to issue his proclamation to magistrates to disperse Roman Catholics

who should assemble as delegates for the purpose, or under the pretence, of petitioning. So far the Roman Catholic concerns proceeded without any committee or delegation—with what success, is too well known. In the year 1757, upon the appointment of the Duke of Bedford to the Vice-royalty of Ireland, the prospect of the Roman Catholic people began to brighten, and at the same period a committee was formed to act for them, and from that hour to the present, they have at all times, when they approached parliament or government for any relaxation or favour, acted through the intervention of *persons delegated* at different times in different ways, and varying as to rank and numbers. These committee men, or delegates, openly acted for, and in the name of the Roman Catholic people, conferred with *successive governments*, were principally instrumental by their zeal, industry, and talents, in procuring every relaxation of the penal code, and never until this day incurred the suspicion or displeasure of any government. In 1757, under the auspices of the Duke of Bedford, and with his concurrence, a most satisfactory public declaration of religious opinions, as far as they related to civil duties, calculated to dissipate the false notions at all times entertained upon the subject, was made and published by the whole Roman Catholic clergy of Ireland. Immediately after was the first Roman Catholic committee formed, with the entire approbation of the same viceroy, which assembled and met in the Globe Tavern, in Essex-street. Among the first committee-men, were some well known to literature, Doctor Curry, O'Connor the antiquarian, and Mr. Wyse, of Waterford. This committee was shortly after enlarged according to a plan of more extended *delegation* proposed by Mr. Wyse. In 1759, the Duke of Bedford delivered a message to parliament from the king, desiring them to provide against invasion. How the Roman Catholic people felt, or would

act upon such an event, was a matter of serious expectation to all. If there was any reason to doubt it, the liberal and enlightened policy of the Duke of Bedford removed all doubt; and upon the first alarm of the invasion of Conflans, the Roman Catholic committee prepared a loyal and animated address, which was submitted to their body at a public meeting in Dublin, and was signed by above three hundred merchants and others, and was then presented to John Ponsonby, the Speaker, by Messrs. Crump and M'Dermott, committee-men, to be transmitted by him to the Lord Lieutenant. A most gracious answer to this address was returned and published in the Gazette. The Speaker summoned the two delegates to the House of Commons, and at his instance the address was then read—Mr. M'Dermott, in the name of his body thanked the Speaker for his condescension, and the Speaker replied in flattering language.

From the first formation of a Roman Catholic committee to this day, it was either continued, or was called into existence, whenever any subject of discussion arose between that body and government, or parliament. Every relaxation of the law which was obtained, is principally ascribable to their zeal, activity and perseverance. The attorney-general is well acquainted with the truth of the maxim, "*lex vigilantibus, non dormientibus, inservit;*" and he may rest assured, that the maxim is as true in politics as in law. The first territorial acquisition of the Roman Catholic body was not very splendid. By the 11 and 12 George III. they are enabled to take fifty acres of unprofitable bog for sixty-one years, with half an acre of arable land adjoining, provided that it should not be within one mile of a town, and that the lease should be void, if half the lands should not be reclaimed within twenty-one years. In 1777, they obtained, through their committee, a most important concession, the right of taking leases for long terms for years, and of devising

their lands.--In 1782, their committee again acted; their claims, their condition, and their conduct, were brought into public and full discussion. Several disabilities were removed, and they were placed on a footing of perfect equality with their Protestant brethren, in respect of the right of acquiring the disposing of lands. From this concession, political equality appears to me to follow as a certain corollary, however for a time it may be thwarted or postponed. In 1792, this *modernly denounced* committee were again in activity, and the bar was thrown open to the Roman Catholic body, with however a most impolitic proviso, that no Roman Catholic should be appointed a King's Counsel; that is, precaution was taken, when they were invited and received into a profession which above all others improves popular talents, and gains popular influence, that they should be in habitual, and as it were regimented opposition to the crown, upon all questions of prerogative which might arise in our courts, and that even the king should not be empowered to entitle himself to the permanent service of any one of them, be his talents ever so splendid, his learning ever so pre-eminent.—But when did pride or prejudice ever reason? In 1793, the Roman Catholic committee made their last successful effort. I have forestalled much, indeed almost all, that I intended to say upon that committee and that period. It consisted of delegates from all the counties, and was somewhat more numerous and more fully attended than the former committees, principally because it had been asserted, as it is still asserted, that the Roman Catholic people at large felt no interest in Roman Catholic emancipation. A foul and unnatural calumny upon the good sense and sensibility of an intelligent and feeling nation!

I shall again refer you to that affecting catalogue of privations, which the attorney-general read with such visible involuntary public sensation; and I shall tell you, that that

catalogue details but a small portion of privileges from which the Roman Catholic people are shut out. The orders of council to which they are left subject, have a most extensive operation, and they are in effect deprived of the enjoyment of almost every privilege, given to freemen in corporate towns, in a kingdom where corporations abound, and where those exclusive privileges are so vigilantly asserted. They are also subject to several important disabilities, not connected with the Test Acts. For instance, no Roman Catholic, though he should possess half, or the whole, bank of Ireland stock, can be a director of the bank of Ireland. These restrictions and exclusions meet the Roman Catholic in every quarter of Ireland, and affect his interest, and hurt his feelings, in a thousand ways not known to my right hon. friend. But suppose it otherwise: suppose the higher orders alone interested in the present Catholic question: suppose the higher orders alone labour under disabilities, can the attorney-general know so little of human nature, as not to feel that the lower orders will make common cause with the higher orders of their sect, even in matters of mere pride and speculation? In my opinion, if the only difference between the Protestant and the Catholic were, that the latter should be prohibited from wearing lace upon their clothes, or having livery servants, this ridiculous and invidious distinction would be felt by the meanest peasant, and might at some unlucky crisis produce the most disastrous consequences. I therefore do assert, that no candid man, who understands the Catholic question, and the state and condition of the Catholic people, can think it a mere form to petition, or deny the utility of delegation, toward effecting the laudable purpose, and constitutional object of their pursuit. Suppose it were true, that all restrictions might be removed by the repeal of the Test Act, and that such repeal might be effected by a single line, does it follow, that no measure ought to be, or

can be legally adopted, to induce the government or parliament to enact that short and simple bill?—Is it impossible that ignorance might exist, as to the variety and extent of the very restrictions, and misrepresentation or misunderstanding prevail, as to the grounds upon which they were imposed, and the probable consequences of their removal?—Gentlemen of the jury, such things are not only possible, but certain; and although Protestant liberality has made great advances in modern times, although rooted prejudices have been dislodged, although the Roman Catholic of this day has received, from the Protestant of this day, concessions calculated to obliterate, and which have almost obliterated all recollection of past animosities, all reflection of the barbarous and civil dissentions which disgraced our ancestors, and embittered their lives, although much has been done, much more remains to be done; and until that shall be done, we cannot feel the confidence of an united people: the enemy will not feel the terror with which such a character will ever strike the invader.—Instead, therefore, of impeding the object of this delegated committee, it ought to be the anxious wish of every good Irishman, and every loyal subject, to give it full success; to wipe away at once, at this most interesting moment, all restrictions and distinctions; to invite our Roman Catholic brethren to a full participation of every civil right, and to bind him by interest, gratitude, and affection, to unite with his heart and hand in defending our common rights, our common country, and our common constitution.

In dismissing this subject, so barren in evidence, and so pregnant in observation, I had nearly forgotten an important topic. I really think, that if the Convention Act were seriously and liberally construed, that the admitted object of Catholic pursuit would, in itself, exclude them from the operation of the law, and that they ought not to be considered

or treated as men seeking an alteration of "matters established by law in church and state." Recollect, Gentlemen, that they are not seeking to innovate or destroy,—they seek not to pull down the common constitution of our common ancestors, they seek not to annihilate any, even the lowest department of the state; they only require to be received and treated as joint proprietors and co-heirs of our noble constitution—they seek to widen its basis, and add new pillars and supporters to the edifice of liberty and law. In doing this, let it not be mistaken, that they look to any transfer of power, or any direct or immediate investiture with any privilege. No, gentlemen, they merely seek *capacity*, and leave the *right* of conferring it where it *pre-existed*. They seek to unshackle the prerogative of the crown—they seek to give the electors a wider range of choice—they seek to vindicate the best principles of every free constitution—the connection between property and power. In every well constituted state, property and power are connected in all its departments; to separate them is to sow the seeds of disease and agitation.—They gravitate toward each other with as fixed a law as prevails in the physical world, and tranquillity cannot exist under their forced and unnatural separation. They must—they will finally unite. Either property will clothe itself with power, or power will seize upon property. In a pure despotism, there is but one proprietor. So that in fact, the Roman Catholics are seeking not only the grace, but the shield of property—not only what would ornament, but what would secure their acquisitions. Can it be just, can it be wise, at any time, or in any country, to disfranchise property and rank of their legitimate and constitutional fruits? Can it be wise or politic to permit the great bulk of a nation to accumulate property without bounds, and to acquire lands and interests in lands without limit, and to close the avenues to all the great honours and distinction of the state against them? Ambition is a passion natural to man, and if great

proprietors and their descendants be shut out from all legitimate gratification of that in-eradicable appetite, they will be tempted to courses and pursuits equally dangerous to the community and themselves. In a country so mis-organized, if ever there should arise a strife between the lower and the higher orders; if ever republican phrensy should agitate the country, talent and wealth will be driven into the ranks of folly and disorder, to discipline and lead them. These observations, at all times true, apply with augmented force since the Union, and from a consideration of the grand strife, in which these united islands are engaged, it must be the first wish of every honest subject, to render that union universally effectual, to the purpose of uniting every heart and hand against the common enemy.——Such was the avowed object of the statesman who proposed that measure, of which Catholic emancipation was intended to be a part.—It is the anxious wish of those who opposed it, and of none more than me, that that object should be accomplished. Perhaps they would not consider the merger of national independence, as too great a prize for so inestimable an attainment. But while the Roman Catholics are excluded from a participation of the offices and honours and power of the state, can there be any thing like national amalgamation? Can the Roman Catholics of Ireland be taught to feel? Is it possible, in fact, that they will feel, that there is a fair legislative union between the nations? But will they not be effectually told by every man who wishes to inflame them—will not their own feelings tell them, that Ireland is more than ever provincial? Will not exclusive Protestant legislation be felt by them as the disfranchisement of Ireland? On the contrary, by giving full effect to the pursuit for which Mr. *Sheridan* is sought to be convicted, we render the nations really, and not nominally united. We enable the crown to animate the zeal, and reward the exertions of his Roman Catholic subjects in every department. We take from the

enemy a formidable reinforcement of irritation and disaffection, and we interest and unite all the property, talent and feeling of the nation in defence of the common cause. I would appeal to my right honourable friend himself, whether what I state be not founded in truth and nature. He has earned an ample fortune and an high reputation. He has children to inherit his acquisitions, and who are, no doubt, emulous to tread in his paths. Would he be satisfied to leave them his property bereft of the privileges properly incident to it? Would he feel at ease, if all incentives to legitimate ambition were extinguished, and their feelings were exposed to dangerous ambition? I think he would not. I well know that his rooted loyalty and strong reason would protect him from treason and even sedition, but he would pine under restraints that robbed his acquisitions of more than half their value; and he would lament that he had not exerted his great talents, and planted his family in some other soil.

The attorney-general has entered largely into a defence, indeed a panegyric of his Majesty's government in Ireland for their proclamation against (I will say it, though he does not admit it) the Roman Catholic people of Ireland, and of this, avowedly, state prosecution. I applaud his manly avowal, that he advised those state acts, though I cannot but lament the gross indiscretion of such advice, from whatever quarter it might originate. His own statement, in my opinion, condemns both the justice and policy of the measure. He has stated that a series of seditious and inflammatory libels too gross for the seditious press of this city, (to use his own language,) were daily and publicly uttered in a committee with whom he has not so much as attempted to connect the present Roman Catholic committee by any evidence. He expatiated upon the patience and temper of the Irish government, in calmly witnessing and submitting to such

outrages, and waiting for the voluntary death and dissolution of that assembly. He has more than insinuated, that that assembly was bottomed in treason, and has exerted himself much, to alarm your fears and excite your prejudices by the picture he has drawn of their conduct and designs. Gentlemen, is it possible to hear this without at once seeing its irrelevancy and unfairness? Is the present committee to be condemned and punished for their mere existence, because there was another committee, in which individuals were intemperate and seditious? He ought not to be listened to, while stating such enormities, which, if they existed, should have called forth, and must have called forth the vigour of the law. But to suppose his statement perfectly true and unexaggerated, what is the reasonable inference? Not that a subsequent committee, of which the Fingalls, the Southwells, the Barnwells, the Bellews, and the Byrnes, the Catholic prelates, and the Catholic peers; those individuals and classes of the Roman Catholic body, in whom every previous Irish government placed unbiassed confidence, composed a part, should be denounced and dispersed, independent of any act, or the expression of any sentiment; but that the government which should suffer such outrage to go unpunished (if any there were), and should attempt to punish where no offence has been committed, or is likely to be committed, are themselves objects of the justest condemnation. But there is a further, and more alarming inference—one in which Catholic and Protestant Irishmen and Englishmen are equally interested. It is that government is not persecuting the *crime*, but hunting down the *privilege*—that they have no desire to punish any offender, be he ever so atrocious, but cannot endure that the privilege of petitioning should assume such a shape, as that the sentiment of the whole people should be unquestionably pronounced. If this be their object, (as it unquestionably is) they have acted with judg-

ment; they have acted with candour. They have attacked the privilege in its strongest hold: they have attacked it where it is most defensible. They have hazarded defeat; but if they obtain a victory, the privilege is for ever vanquished. The precedent of this day will be pleaded against every species of delegation, and when the concentrated force is routed, it will be easy to disperse, misrepresent, and put down individual petitions. I look to you, gentlemen of the jury, for protection against such consequences. The Irish government, instead of claiming credit for their conduct, should, in my opinion, say (sinners as they are:) "We have left undone those things which we ought to have done, and we have done those things which we ought not to have done." Their conduct resembles the conduct of an intoxicated bravo, who being too much oppressed by liquor to resent real or imaginary injuries or insults, as soon as he becomes semi-sober and semi-vigilant, should rush forth into the high-way, and knock down every man he meets—peer, prelate, or peasant.

I fear, my lords, I have committed an unwarrantable trespass upon the public time. In doing so, I have but followed the example of my honourable and learned friend, who has said so much upon general subjects, and so little upon the case of the traverser, whose gigantic statement is so disproportioned to the pigmy proofs that followed it. I fear I have even exceeded him in prolixity, which you will rather ascribe to his superior powers of condensation, than to any desire upon my part to dwell unnecessarily upon any topic. —In truth, when I turn my attention to the facts in evidence, my astonishment is increased, that Doctor Sheridan was ever brought to trial. Shut out from your minds the aspersions which have been cast upon other men. Disengage your loyal feelings from that appeal which has been so artfully addressed to them: Do the traverser the justice of not

presuming that he must have bad designs, because he is a Roman Catholic, and of not ascribing to him every seditious act committed by, or ascribed to every man of his religion. Which of yourselves could bear this test?—Try him, as every man should be tried, by his own acts, established in evidence against him, and see what that evidence is. Two witnesses were examined, who swore that Doctor Sheridan presided at a meeting of Roman Catholics, who elected five persons to prepare a petition, and, they added, to *represent* them in a Catholic committee;—one of them afterwards retracted the word *represent*, as forming any part of the resolutions passed, and positively swore it did not; and the other swore that he could not be certain that the word *represent* was used; and they both admitted that they had the very resolutions in writing, and gave them in writing to those who conduct the prosecution. I do not think the word *represent* can avail any thing.—If delegates were appointed in a criminal sense to represent the people, no use of language could vary the offence, or shelter the culprit; and if the delegation was from its object innocent, no phraseology could render it guilty; I strongly suspect that those who managed this evidence, and kept back the writing, are of a different opinion. But if the word were considered as important, it is impossible that you, upon the evidence, can assume that it was used. From those witnesses it appeared, that no other business was then mentioned, but the business of petitioning, and one of them swore that he believed no other business was in contemplation, and he believed that the petition, when prepared, was to be submitted to the individual Catholics for their adoption and signature. If the evidence stopped here, would the attorney-general say that Mr. Sheridan was guilty under the Convention Act;—we must say so, for he has not drawn any line, and has levelled his argument and his prosecution against all delegation or de-

putation for the *purpose of petitioning*. That which is expressly protected by the act, would appear, as he construes it, to constitute the offence. But the evidence has not stopped here; Mr. Huddleston, whose evidence I do not mean to impeach, has proved from memory the following resolution, as having passed at an aggregate meeting:

"Resolved, That the said committee do consist of the Catholic peers and their eldest sons, the Catholic baronets, the prelates of the Catholic Church in Ireland, and also ten persons to be appointed by the Catholics in each county in Ireland, the survivors of the delegates of 1793, to constitute an integral part of that number and also of five persons to be appointed by the Catholic inhabitants of each parish in Dublin."

Now I do not think that those resolutions are sufficiently proved by parole evidence, (it appearing that they exist in writing,) to be received as the act of that aggregate body, so as to affect persons not present; but I shall waive this objection. I boldly and confidently maintain, that there is nothing in these resolutions, or in a committee formed upon them, seditious, illegal, or violatory of the Convention Act; and if all I have said be not erroneous, I have already established, that such an assembly is not as it is contended to be, upon the other side, illegal, independent of any concealed or illegal pursuit, or any libellous or seditious speeches used in it when assembled; and I repeat it, and it cannot be too often repeated and inculcated, that to decide otherwise will be vitally to injure the right of petitioning, and totally to disregard the constitutional saving of the Convention Act.

All the resolutions given in evidence, are precisely conformable to the functions invariably performed by Catholic committees since their formation, and I cannot discover any part of them denoting any bad object, criminal motive, or illegal pursuit. The resolution defining the constituent parts

of the committee, has been much relied upon, and grossly misrepresented.—How does this part of the case fairly stand? A committee is formed to collect information, to prepare a petition, to suggest arguments in favour of that petition, to discover prejudices that impede, to obviate difficulties, to solicit support, in short, in every rational and fair way to promote the success of that petition. The disabilities sought to be removed, affect the peers, affect the commons, affect those who reside in counties, in short, affect every order and department of the Roman Catholic community, and it is now objected that there are deputies from every order; and it is further objected, that the few persons who now survive of the committee of 1793, so favoured and cherished by the then government and parliament, are members of the committee. They are called estates general, are represented as usurping all the functions of the legislature and government. This is cruel mockery! If such be their constitution or their views, they are guilty of high treason, and ought to be prosecuted as such. But shall this be taken upon assertion? Shall this assembly be deemed illegal, because it has received an infusion of the peers and the prelates, who have always been considered as a counterpoise to the too great eagerness of popular pursuit? If the prelates and the peers had been omitted, the clamour against the committee would have been much louder, and much more plausible; but the utmost effect that the numbers and constitution of the committee can have, is to become an ingredient in a jury question, if any jury question should arise, as to the real object and pursuit of such committee. Doctor Sheridan challenges such a question to be left to any jury, but they do not venture it upon the other side, but call for your verdict upon the ground of general, unevidenced, and unapplied imputation, and a gross misconstruction of the Convention Act.

Gentlemen of the jury—Upon this inexhaustible subject I have left much unsaid; yet upon the grounds I have urged I shall now leave it to your decision, only again imploring you to read the charge which you are sworn to try, and to compare it with the evidence which you have heard from the witnesses, and not with the calumnies which have been any where uttered. To find the traverser guilty, you must upon your oaths find in the very language of the indictment, the Catholic committee intended to be appointed, to be "a committee of persons professing the Roman Catholic religion, to be thereafter held, and to exercise a right and authority *to represent* the inhabitants of Ireland, professing the Roman Catholic religion, *under pretence* of preparing petitions to parliament." You must, in fact, convict the Roman Catholic subjects of this realm, of an offence approaching to high treason. You have no evidence to warrant this; and you cannot have any rational wish to create or supply such evidence. The Catholic body of this day owe their Protestant brethren of this day great obligations. Believe me they are deeply sensible of the debt, and are not the less worthy to have that debt augmented, by the eagerness they display to be fully emancipated, to be perfectly amalgamated with you in constitutional co-existence. No wise and good man would wish, at any time, to disappoint this laudable impulse. No man, not a maniac, would seek to disappoint it, at a moment, when all that is dear to us is in such peril, that united enthusiastic efforts are necessary to common security. Gentlemen, your Roman Catholic brethren await a verdict, which is to pronounce upon their principles and pursuits, with agonizing anxiety. There is not a city, town, village, or hamlet in Ireland, in which the result is not at this moment looked for, with breathless expectation. It is looked for in England with little less anxiety. They cannot be indifferent to the truth or falsehood of the charge, made by

the Irish government upon the Roman Catholic subjects of Ireland. It is looked for by the common enemy, with an anxious wish that the accusation may be true—they must derive the highest gratification, and possibly the strongest motive to act, from a Protestant verdict against the Roman Catholic people. Gentlemen, pronounce a verdict of Not Guilty; relieve your fellow-subjects, and disappoint the common enemy. Do not, gentlemen, apprehend that so gratifying a result would be followed up by intemperate joy, or dangerous exultation. No bad feeling can mix with the pure delight which such an event would universally diffuse; but if there were danger of excesses from unbounded joy, those Roman Catholic noblemen and gentlemen who are implicated in the charge, will moderate the triumph, and guarantee the tranquillity of the country. The gallant *Fingall* will guarantee it. He stands before you to pledge his high character for the conduct of his brethren. You know you may trust him; you know that in the hour of danger he lifted his sword equally, against the rebels of all persuasions; he despised false and perishable popularity; he proved his title to be received as a supporter of the throne, and he would not sully that title, and he never has sullied it, by any seditious or intemperate act.

May the God of truth and justice subdue your prejudices, awaken your conscience, and enlighten your minds, to find that verdict which will tranquillise the country, unite the people, appal the enemy, and place these united islands in a state of such a proud defiance, that no enemy will dare to pollute our shores.

Speech on the Trial of Robinson for Bigamy.

MY Lords and Gentlemen of the Jury.—It falls to my lot, very much by me regretted, to state to you a case as pregnant with circumstances of human woe, as strongly appealing to the feelings of humanity as ever appeared in a court of justice. The prisoner at the bar stands indicted for a crime too often committed and seldom prosecuted in this country, a crime which I think you will agree with me stands pre-eminently high in the scale of offences,—a crime at once preying upon the best interests of society, and annihilating the happiness of the individual who chances to be its victim. I shall not misrepresent or aggravate this transgression. It is impossible to doubt your anxiety, gentlemen, if a proper case for your verdict should arise, to prevent, by punishment, the repetition of such an offence, and administer the only possible consolation to the agonized feelings of an injured family. I shall proceed briefly to state to you the facts of this case.—On a luckless morning, in the month of July, 1810, the prisoner at the bar rapped at the door of Mr. Charles Berry, an eminent attorney resident on Arran Quay in this city. He was admitted to a conference, and a long and fatal conference.—Mr. Berry never had known him, never had seen him,—never heard that such a man was in existence;—his appearance was wretched and squalid to a degree of extremity, carrying the marks, the legible marks of misfortune and affliction. His debilitated frame and haggard looks at once recommended him to the sympathy of Mr. Berry. This sympathy was kept alive and augmented

by introductory letters which this man carried with him, and by a sad and instructive tale of folly and misfortune, which was communicated to Mr. Berry in the most impressive manner by this forlorn stranger, and which was in many parts corroborated by letters from persons in whom Mr. Berry could confide.—From these sources Mr. Berry was informed that he had once been high in fortune's favour,—that he was the favourite and adopted nephew of general Robinson who died in the year 1793,—that whilst almost a boy, he was treated with the most lavish and improvident indulgence, placed under masters to be taught what is called accomplishments,—that he had been allowed for his expenditure 500*l.* per annum,—that his uncle, on his death, bequeathed him so large a legacy as 100,000*l.* vested in the English funds—He of course concluded his wealth was inexhaustible, and he became as lavish and dissolute as the most prodigal man of the day. He purchased into the cavalry, and what with his credit and the unkind accommodation of friendly loans, he was in a short time, and whilst under age, enabled to waste 20,000*l.* of his fortune,—that at length, in 1800, an unlucky wind wafted him to this country,—that he was quartered at Clonmel in the county of Tipperary in that year, and shortly after became acquainted with the family of Mr. Stoney of Arran Hill.—Gentlemen, when I am relating facts as to that family, I am telling you what he told Mr. Berry, for the truth of which I do not vouch. I would not hazard the doing so, for I know the origin from which the communication came.—He told Mr. Berry that Mr. Stoney had advised him to quit the army; that he did so; that Mr. Stoney gave him a hospitable invitation to enjoy the pleasures of the chace at his country mansion,—that he accepted the invitation, and was treated with kindness and hospitality,—that he enjoyed the sports of the field abroad and the pleasures of the drawing-room at

home.—That Mr. Stoney's eldest daughter was strongly recommended by her personal charms, and that Mr. Robinson, though still a minor, was not insensible to their influence, and that a mutual attachment was the consequence.—He told Mr. Berry that Mr. Stoney encouraged his addresses; that he did not throw any impediment in the way on the ground of his minority,—that he did not suggest any prudential recommendation to wait one year till he should arrive at age,—that, on the contrary, he suggested and supplied means of immediate marriage, and prepared the parties with accommodations for Scotland.—On their way to Scotland, in Dublin they stopped at the house of a professional gentleman who had been married to a daughter of Mr. Stoney. —There it was managed that he should execute a most liberal marriage settlement, amounting to 20,000*l*. And it was thought right also that Mr. Barry (Mr. Stoney's son-in-law) should retain a further sum of 4,000*l*. for purposes not then defined.—At this time it was that the prisoner got acquainted with Mr. Vigne the jeweller;—they then set off for Scotland and arrived as rapidly, as could be expected from the nature of the mission, at Portpatrick.—There the prisoner at the bar was married, in the presence of many witnesses, to Miss Ruth Stoney, by a clergyman of the church of Scotland in a place of public worship. Having been married, they remained in Portpatrick one or two days, and thence immediately repaired to London.—His stay there was not very long, but it was not an idle time; it was no sluggish, no obscure and inglorious period.—On his arrival he hired a furnished house in the most fashionable part of the city.—He hired a country villa, purchased four carriages and seven race horses, with an endless establishment of grooms, postilions, and out-riders.—He flourished at all places of public resort. At Newmarket and at Epsom. He shot like a meteor across public observation. He dazzled for a

week, he was recollected for a month. Being sated with the glories of the sod he was smitten with a passion to become a candidate for parliament, and embarked in all the extravagance and bustle of a contested election. He heard of a vacancy in a borough, where money recommended to distinction, and offered the senatorial dignity to the highest bidder. Thither he repaired with all the pomp and circumstance of a popular candidate. Though he did not succeed, he polled a prodigious number of free and independent voters, at the price of seventeen or eighteen thousand pounds. But, gentlemen, it is useless to dwell on the idle and puerile instances of his prodigal folly. You are aware this course could not long continue, a man thus blazing with lavish dissipation in every direction, must soon have burned out. At the close of two years he was without money, without credit. The man who shone with such splendour, dared no longer to appear in the open day. Bailiffs were his principal visitors, London became a solitude to him, and he repaired to Ireland. The prudence of his father-in-law had enabled him to vest in a purchase in Ireland a sum of money, which produced about nine hundred pounds a year. To this remnant of his property he repaired, and he took up his habitation near his father-in-law. A man of his capacity for expence, must have contracted debts in Ireland as well as England.—After a few years of ignoble extravagance in Ireland, he became a prisoner in his own house, it was besieged with bailiffs, and all the calamities of ruined fortune surrounded him. The man who had shone so brilliantly in the metropolis of the empire, was at last unable to shew his face in the smallest village in Ireland. He told Mr. Berry that a project was at last formed by his wife's family to preserve the income of the property which he had purchased for the maintenance of himself and family. It was suggested

that his wife's pin-money was in arrear, and that an amicable bill should be filed by the trustee, in order to raise it. That a receiver would be put upon the estate, by which stratagem it would be protected from the creditors, and he would draw the rents for his own support. The bill was filed, he put in his answer, admitting all that was stated, and there was a decree. A receiver was put upon the lands, and as he stated, the rents fell into the hands of Mr. Stoney. In order then to excite the humanity of Mr. Berry, he told him that the moment the rents were thus taken from him, his father-in-law refused to furnish him with a penny. He told Mr. Berry that whilst in his career of prodigality he had lent his father-in-law from eight to ten thousand pounds, and he told him, as the winding-up of his ingratitude, that the very moment the receiver was put upon his property, his wife and children, for he had, and still has, four children, deserted him, and went to his father-in-law's house. He attempted to follow them but was repulsed. The exhausted prodigal would not be sheltered under the roof of the man who had seized his last stake. His misery now was complete, and without remedy; he was abandoned by his dearest relations, banished from their society, their confidence, and love; the doors of his father's house were closed against him, and he was left a stranger in a strange land, bereft of his fortune, abandoned by his wife, shunned by his offspring, and left a prey to want, and the impending horror of arrest and imprisonment.

Such was his pitiful tale to Mr. Berry, a tale against the effects of which he could not, he would not struggle.—Mr. Berry at once took him under his protection, little thinking that the hand which he grappled in friendship would one day wound him where he was most vulnerable.—His humanity was not chilled by suspicion, he thought not of the artifice of the impostor, while he was stimulated to relieve the

stranger, and that relief was as bountiful as it was disinterested. How was he treated? Mr. Berry, gentlemen, provided the prisoner at the bar with lodging, for the rent of which he became security,—in that lodging he supplied him, outcast as he was, with the necessaries, with the comforts of life.—He was labouring under a heavy bodily malady; he procured him an apothecary, a physician, medicine and wine.—It was necessary in the furtherance of his legal pursuits to have frequent intercourse with Mr. Berry and he constantly crept out in the darkness of the night to visit the family of his benefactor, whenever relieved from the apprehensions of the bailiff, or by a casual relaxation from his disease, he came pouring out the benedictions of a grateful heart to the house of his friend and benefactor.—Whenever he came he was received with open arms, and the most confiding hospitality.—Those visits were dangerous to his health, and hazardous to his liberty. Yet they were necessary. These difficulties half hinted and half anticipated produced an invitation to become resident in Mr. Berry's house, while the necessary enquiries for legal proceedings were making. He thus became an inmate in that house which he has rendered a scence of unparallelled and incurable affliction. Mr. Berry, with indefatigable industry, collected materials to lay before counsel. He was advised to file three bills in chancery—one to review and reverse the decrée obtained in the manner I have described—another to force his father-in-law to discover and account for various sums said to be lent to him—and a third to compel Barry to account for 4000*l.* alleged to be kept by him at the time of the marriage. Mr. Berry, at his own expence, filed all these bills, and the suits are still depending. During his residence in Mr. Berry's house, his wish to please was unceasing, and he manifested in every act and in every word, the animated gratitude by which he was actuated. Compassion grew into

esteem in every part of Mr. Berry's family. Gentlemen, let me say one word or two as to the domestic situation of Mr Berry at this momentous period. He was a man of industry and business, not educated to pleasure, the duties and concerns of an arduous profession keeping him constantly employed.—Mrs. Berry was in a delicate state of health, a valetudinarian, whose almost only care should be the preservation of her own existence. He had two daughters—the one a child, the other but a few years older, now in her sixteenth year of age. She, gentlemen, it is, who has become the hapless heroine of the said story of this unfortunate family. She was in her person lovely, in her manners interesting, in female accomplishments eminently cultivated, in domestic virtues and filial duty pre-eminent. She had an ardent and elevated mind—a warm and affectionate heart. She was the delight of her parents at home, their pride abroad, the solace of their labours and their cares, and the anticipated hope and joy of their declining lives. The love of offspring, the most forcible of all our instincts, is even stronger towards the female than the male child. It is wise that it should be so, it is more wanted—it is just that it should be so, it is more requited. There is no pillow on which the head of a parent anguished by sickness or by sorrow, can so sweetly repose, as on the bosom of an affectionate daughter. Her attentions are unceasing. She is never utterly fores familiated. The boy may afford occasional comfort and pride to his family—they may catch glory from his celebrity, and derive support from his acquisitions; but he never can communicate the solid and unceasing comforts of life which are derived from the care and tender solicitude of the female child—she seems destined by Providence to be the perpetual solace and happiness of her parents.—Even after her marriage her filial attentions are unimpaired; she may give her hand and heart to her husband, but still she

may share her cares and attention with her parents, without a pang of jealousy or distrust from him. He only looks on them as the assured pledges of her fidelity and the unerring evidences of a good disposition. Mr. Berry ought, perhaps, to have guarded this treasure with more jealous suspicion — perhaps he ought not to have suffered a man acknowledging himself to have been sunk in the vortex of fashionable dissipation, to have had opportunities of converse with this young female.—But, gentlemen of the jury, it is easy to be wise after experience—it is easy to suggest expedients to prevent evil after it has occurred.—Is there a man of you could suspect that a married man, with four children, paralyzed and forlorn, received under your hospitable roof covered with benefits which would have kindled gratitude in the basest nature, could be guilty of meditating the infliction of such a fatal wound upon his benefactor?—The slightest suspicion never glanced across the mind of Mr. Berry or his family—it was out of the nature of things.—Look at him, gentlemen, at the bar of his country! Is he an object likely to engender suspicion of such a crime?—You have heard the story of his shattered fortunes—Could his wealth have been attractive? What could Mr. Berry have dreaded from the intercourse of such a man, even if he were unmarried? But, gentlemen, it has turned out that he had means of acquiring an ascendency over a young female mind which were unfortunately too prevailing—he was a man of polished manners, and though superficial, yet attractive endowments; his understanding, though not sound, was not altogether uncultivated — he had a taste for the belles lettres, was an adept in music and poetry, understood drawing, was conversant in the fashionable tales of the day, and possessed of all that little artillery of accomplishment which make a man agreeable, particularly in female society. Gentlemen, it sometimes happens that the same courses

which vitiate the morals improve the manners, and that the surface appears the more polished for the corruption which it covers and conceals. In the month of December 1810, he was ordered to Cheltenham. Mrs. Berry was at the time very ill, and she was prescribed also the Cheltenham waters. Mr. Charles Berry being himself detained on professional business, in the spirit of affectionate indulgence, consented that the young lady should accompany her mother and the prisoner at the bar to Cheltenham—thence they went to London. Mr. Robinson, when in the full possession of wealth, had dealings with several persons in London who never had fully accounted with him, and whilst there collected a few hundred pounds from the ruin of his property. —Whilst in London he paid those attentions to the young lady and her mother which a polite man is never deficient in paying, and which no suspicion of his design induced them to reject—he offered some slight presents to the young lady of trivial value which were rejected.—He came to Mr. Berry and lamented the situation into which the obdurate rejection of his gratitude had placed him.—He affected a most high wrought sensibility—his remonstrance could not have excited any suspicion.—"You have taken me under your protection—you have expended your money in supporting me, and in pursuit of an object which has not as yet fructified—you have received me into your house and you will not accept of remuneration—why then refuse me making you this slight but grateful return?—Ask yourself the question, if you refuse me, can I ever return to your house? Can I live under the load of your benefaction?"—His importunities succeeded; and Miss Berry, with the consent of her father, received from him some trifling presents not amounting in value to 20*l*. Gentlemen, can you conceive any thing indelicate in that conduct?—Will you say that suspicion should have been excited?—Was there any imprudence in

the acceptance? Gentlemen, is there a man of you, who, if he had received one hundredth part of the favour conferred upon the prisoner, would not conceive himself called on to make a return of tenfold value. The party returned back to Ireland in the Spring, and things remained on this footing until the fatal 18th of November last. I shall trace him through the melancholy occurrences of that day.—Through what artifice—through what fascination — through what suggestion—by what sophistry—by what allurement he must have drugged the mind of this young female, it is impossible to say. It is a moral miracle!—It is out of the ordinary course of human agency.—Yet so it happened that on the 18th of November, he being at the time so worn down by illness that his life was in danger, with strength scarcely sufficient to admit his being carried to the carriage in the arms of the servant, he induced this young lady to accompany him—he told her parents that he was going to the hot baths, and would leave her at Mr. Vigne's to hear an eminent proficient, his (Vigne's) sister play on the piano-forte, and begged Mr. Berry would indulge her with this musical gratification, as Miss Berry was considered a first performer.—It is impossible for me, gentlemen, to account for his influence over this young lady's mind; it would be vanity in me to attempt to explain the cause;—however, he did induce her, accompanied by her sister, a child from ten to twelve years old, to go to Mr. Vigne's in Nassau-street, where the prisoner had provided a clergyman of the name of Harris, who actually did celebrate the ceremony of marriage between them, and having prevailed on her to become his wife in point of ceremony, he was carried back to his carriage and afterwards in Mr. Berry's servants' arms to his own bed.—I am happy, gentlemen, to say, that he did not, he could not render his crime perfect and complete.—It is really a curious riddle; it surpasses any thing I ever heard or read of, and

but for the melancholy and afflicting distress of her injured family, it would be a matter of novel and curious enquiry to discover how he should have sought or acquired that ascendancy over her mind. It could not be a gross and sensual passion—a glance of your eye must refute the idea.—What! a sensual passion for a being, such as you behold, drooping under the ravages of disease and unable to walk to a carriage! It could not be a mercenary attachment to the object of her father's charity.—It must have been some mental fascination.—By what artifices that unworthy man could influence the mind of a person ten times his superior in understanding is astonishing; the means are incredible—whether he told her of the sufferings of his youth—the ruin of his fortunes—his desertion by his wife and her ingratitude—whether his distresses excited her compassion, or whether he deluded her into the notion of his marriage being void, is quite inexplicable;—but so prevalent was his power over her mind that she would not have disputed his authority, and probably she would have more chearfully obeyed him, if he had commanded her to give her hand to any other man. The charitable public who will hear of this trial ought to carry in their minds this extenuation—the utter impossibility that any thing sensual, or vain or mercenary, could have actuated her mind to that strange and blind obedience.—And when female criticism sits in judgment upon this hapless young lady, and is about to pronounce an austere and unfeeling judgment, I hope it will be recollected that their common and primeval parent fell under the fascination of a reptile.—Gentlemen, Miss Berry returned from the ceremony to her father's house—very soon it became visible that some dire misfortune had befallen her, and her family;—from the hour of her return to the day of the disclosure of her calamity she drooped and languished—at meals a mere spectator; her interesting deportment, her chearful manners

were gone—she could not look in the face of her parents, and the eye of any human creature was distressing to her:—from the hour of her misfortune she never entered into the door of her aunt (Mrs. Hetherington) whose property she was to inherit, and to which I trust she has not disentitled herself.—What was, gentlemen, the object of the prisoner at the bar?—His object was to render home so irksome and odious to her that he could induce her to elope with him, and he was, in fact, collecting funds to put his plans into execution. At length the expostulation of her friends, upon the alteration of her manners, drew from this unhappy girl the acknowledgment of her situation in the presence of Mr. Robinson, who did confess the fact and claim her as his wife.—And what, gentlemen, was the consequence?—It affected Mr. Berry with amazement, rage, and horror; but with such a stupor of grief that the acknowledged culprit crawled off with his life.—The intemperate sorrow of Mr. Berry led him thoughtlessly to disclose the melancholy tale to his wife, and for three days she was affected with unremitted fits of hysterics threatening a permanent loss of reason! And, gentlemen, what was its effect upon her aunt?—the moment she heard it she was affected with an apoplexy.—Such, gentlemen, was the gratitude flowing from the prisoner at the bar to Mr. Berry for the services he had rendered him.—Gentlemen, under these circumstances what was Mr. Berry to have done?—Has he acted right?—He had but one of three courses to adopt—he might have connived at this improper connection and irreligiously sanctioned it by his subsequent ratification, choosing between exposure and vice—but had he deliberated upon this alternative he would have been a worse criminal than the man he prosecutes. He might have strove to have hushed it. Perhaps a man whose sensibility was stronger than his reason might waver in his determination as to this course.—But Mr. Berry had no

choice! even that expedient was denied him. The prisoner at the bar publicly claimed her as his wife. It was not left this unhappy father to bury the whole transaction in oblivion —he was driven to the last and sad alternative to yield to the suggestion of his own feelings—to yield to the unanimous advice of his friends—for though his life may be embittered —though he and his family may never wear the chearful smile, or appear with that unclouded hilarity which accompanied their former intercourse with the world, yet he must derive consolation from the recollection of his having brought a delinquent of his atrocious guilt to punishment, and in having provided that this man shall not repeat his crimes and bring sorrow into the bosom of other families—and if he does, it must be in that region of culprits to whom he has levelled himself as a fit associate. Gentlemen, we will prove this case to you.—There cannot be a doubt of the double marriage—how it can be vindicated it is impossible for me to discover. It comes before you badged with every aggravation, which sensibility would shudder at;—but if you doubt the fact of these marriages, God forbid that any thing I have said or could suggest should operate to supply the evidence—the very enormity of the crime should be a ground of favour in deciding upon his guilt; but as to any cavilling points and capricious doubts, not denying the turpitude of the case or the commission of the crime—you cannot, gentlemen, feel yourselves warranted in entertaining them with favour. Gentlemen, I have now stated what I conceive to have been due to public justice and the family of this lady, and I now implore those who are present at this trial, or may hear of it abroad—I implore those who may be ready to censure indiscretion in others, when they have been more fortunate themselves, mercifully to recollect the youth of this hapless female and the influence by which she was led away.—The kind of man, under the fascination of whose

power she wandered from the direct path of rectitude—the utter impossibility of her being actuated by sensual or mercenary motives—how tyrannical that mental influence becomes over understandings naturally strong and superior to the government it submits to—a government which we see every day exercised by the meanest instruments over the most exalted characters. We will produce the evidence to establish those facts, and I know you will find that verdict which the evidence will warrant.

Character of Mr. Grattan.

I FEEL but little, any portion of the noble lord's obloquy, which may attach to me or my humble efforts; but I own, I cannot repress my indignation at the audacious boldness of the calumny, which would asperse one of the most exalted characters which any nation ever produced, and that in a country which owes its liberties and its greatness to the energy of his exertions, and in the very house which has so often been the theatre of his glorious labours and splendid achievements.—I remember that man the theme of universal panegyric—the wonder and the boast of Ireland for his genius and his virtue. His name silenced the sceptic upon the reality of genuine patriotism. To doubt the purity of his motives was a heresy which no tongue dared to utter—envy was lost in admiration, and even they whose crimes he scourged, blended extorted praises with the murmurs of resentment. He covered our then unfledged constitution with the ample wings of his talents—as the eagle covers her young; like her he soared, and like her he could behold the

rays, whether of royal favour or of royal anger, with undazzled, unintimidated eye.—If, according to Demosthenes, to grow with the growth, and to decay with the decline of our country, be the true criterion of a good citizen, how infinitely did this man, even in the moment of his lowest depression, surpass those upstart patriots, who only become visible when their country vanishes.

Sir, there is something most singularly curious, and, according to my estimation of things, enviable, in the fate of this great man; his character and his consequence, are, as it were, vitally interwoven with the greatness of his country—the one cannot be high, and the other low—the one cannot stand, and the other perish; this was so well understood by those who have so long meditated to put down the constitution of Ireland, that, feeling that they could not seduce, they have incessantly laboured to calumniate her most vigilant centinel and ablest champion—they appealed to every unguarded prejudice, to every assailable weakness of a generous but credulous people—they watched every favourable moment of irration or of terror to pour in the detested poison of calumny.—Sir, it will be found on a retrospect of Ireland since 1782, that her liberties never received a wound, that a correspondent stab was not levelled at his character, and when it was vainly hoped, that his imperishable fame was laid in the dust, the times were deemed ripe for the extinction of our constitution. Sir, these impious labours cannot finally succeed, glory and liberty are not easily effaced—GRATTAN and the constitution will survive the storm.

On the Advantages to be derived from the Institution of National Schools in Ireland.

NO man possessing a ray of reason, or a spark of benevolence, could hear the report which has been now read, without being interested in the subject, without feeling the warmest gratitude towards those excellent men, who have prepared it. The subject is at all times and in all countries interesting—in our own country it is peculiarly so.

It can scarcely be considered as national vanity; for it most certainly is national reproach, to assert, that there never has existed a country for which nature has done so much, and institution so little, as Ireland. Without tearing open wounds which every good man would rather cover and conceal—without seeking for the causes of our degradation, in a retrospect calculated by the irritation it might cause, to reproduce the very evils we deplore, we can discover the principal and proximate cause in a disease, which however inveterate, is not incurable. Our committee, whose admirable report has been heard with such delight, have laid before us in one view, both the disease and the remedy.—Ignorance, and consequent irreligion, have disfigured the noblest work of God, and they have made a glorious effort—a successful effort if well seconded, to raise man from the mire, in which he grovels,—to render the bounty of heaven available to him. This is genuine patriotism—this is enlightened self love—this is to pursue the noblest end by the most suitable means—this is to attack the disease at its very root—this is to confer the highest services, and to receive the most gratifying reward,—not the clamorous and revocable gratitude of a

capricious multitude,—but the exhilirating spectacle of a nation rapidly improving in morals, industry and religion.

Our sheep, our oxen, our horses, our very swine, are deemed objects, worthy of the most anxious cultivation. Societies are instituted—Committees are formed to investigate their qualities—to improve their breed—I might almost say,—to educate them.—Do I say this, to blame it? No! it is laudable—it is good husbandry—it is a subordinate degree of patriotism.—But can it be wise—can it be just,—to cultivate the brute, and to neglect the *man*?—This would be, not only to sin against reason and religion, but to violate the calculations of the most sordid interest.—It requires but a very slight effort indeed, of reason, to discover, that the produce and security of estates, depend principally upon the human animal. If he be idle, vicious, and dishonest, our soil will be barren—or its produce will be plundered—the gibbet may thin the land, but it cannot fertilize it.

The despot may tell us, he will enact wise laws, and compel universal obedience to them.—Is he aware of the weakness and perversity of human nature? Vain and presumptuous man! to hope that he shall effectuate, what even the eternal sanctions, announced by the ALMIGHTY fail to effect.—The demagogue will say, give the people privileges;—give them perfect liberty, and they will soon become rational, industrious and happy.—Preposterous inversion of the laws of nature! education is the *cause*, not the *effect* of freedom;—the finest constitution, in the power of human wisdom to devise, could not be worn by savages; brutalised by vice, and ignorance;—the most admirable laws, with such a people, would be *a dead letter*. As well might we commit the arms of a warrior, into the hands of an infant, for self-defence;—but education, improving the moral character of man, not only fits him for liberty, but ascertains its attain-

ment.—A moral and enlightened people, could not be slaves. It is morally—it is physically impossible.

Let not then, despair of success, chill that benevolent ardour which actuates our committee.—They have not succeeded to the extent of their hopes—Men are more prompt to praise than to co-operate. But how are we to estimate such barren praise?—What are we to think of the individual, who can be indifferent in such a cause—who can contemplate the glorious work in operation, admit its utlity, and yet refuse to lend his aid, to carry it forward?—Alas! the convincing report, we have just heard read, establishes the justness of the reproach;—with what lamentably inadequate means, have your committee had to struggle—and yet, what extensive good have they not already done? The paltry pittance of 240*l.* is doled out for such an object—in twelve months—for the EDUCATION OF IRELAND! Such is the mortifying acknowledgment. But let them not despair—let them recollect that though trite truisms, however important, are often heard without interest—without emotion; yet, the effort ought to be continued—the benevolent truism ought to be repeated and inculcated—sound theory, sooner or later, will ripen into practice—there is no telling the moment, when wealth and power, shall receive an active impulse from benevolence and wisdom, and shall obey the dictates of their own true interest—it may be to-morrow—it may be the next day—it may be postponed for years—but it is so *certain* that it will at some time occur—so *probable* that it will soon occur—and of *such immeasurable value* when it shall occur, that our committee may continue their labours with a perfect confidence, that they will terminate in success—of which the interest they have this day excited gives the surest earnest.

Conduct of Lord Castlereagh in forwarding the Irish Union.

BUT is the parliament to which he thus primarily and exclusively resorts, left to exercise its unbiassed judgment? I shall not dwell upon this odious subject—I shall not compare the black list with the red book—or enumerate those who lost with those who gained offices—I shall not anticipate those posthumous funeral honours which await some who have *undertaken* for the extinction of the constitution of their country, if they shall succeed in their pious labours, or allude to the *phœnix judges* who are to spring out of the ashes of the Irish legislature. I do not like even to think of these deluded men who forgot they had a country probably because they thought their country would not survive to remember them. I turn to a more grateful subject. The virtue of this house triumphed over the minister, and refuted the calumnies which were levelled even more at your existence than your fame.—The measure was defeated—tranquillity was restored—and what, if possible, was better, this house was raised in the public estimation, and endeared to the heart of every honest Irishman. This was a consummation devoutly to be wished—this was an accidental good flowing from the miscarriage of a bad measure, at which a wise minister would have exulted, and upon which he might have improved. What was the conduct of the minister? He suddenly changes, if not his principles, his practice—he appeals from the *refractory competence* of parliament to the *derided sovreignty* of the people—the people became every thing—the parliament, nothing—compared with him

Tom Paine dwindles into an aristocrat—can it be credited in Europe—can it be credited by posterity? *That the minister who has lavished so much treasure and blood in combating republican principles in France*—to whose mind jacobinism is a compendium of every crime—who cannot hear the physical strength of a country mentioned without horror—**that this minister should dive into cellars and climb into garrets to solicit plebeian signatures against the ancient constitution of Ireland—that he should set on foot a poll of the populace against the constitution*—that he should blacken the columns of the government prints with the names of day labourers of the lowest description, attesting in favour of his *jacobinical innovation!*

Character of Serjeant Ball, on moving that a Monument should be erected by the Irish Bar to his Memory.

YET, Gentlemen, what could I say, what could any man in my place say in his praise which is not already known to you all—which every man of you would not anticipate.—There never departed this life an individual who stood less in need of posthumous praise—the man who had no enemy living, can have no calumniator when dead.—Without vices to attract the sympathy and bribe the suffrages of the vicious—without condescension to conciliate the powerful and supercilious—with conduct which never

* What a beginning was this for the future favourite of modern legitimacy and holy alliances!

countenanced frailty by example—and with a life which was a rebuke to all who were base, mean, or frivolous.—It is a snbject of interesting speculation to consider by what charm —certainly not of art, but of nature it occurred—that no man ever uttered one syllable to his disparagement—he is the only man whom I ever knew to whom it could not be fairly imputed as a blemish—that he wanted that negative testimony to his worth which arises from the odium and vilification of the worthless.

But, gentlemen, it is not so much from a consideration of him who is gone, as of those dear relations and affectionate friends who remain behind, that we should offer this tribute. Funeral honours when justly and wisely bestowed, are benefits to the living—it is fit that the wife who late adored him and now barely survives him—it is fit that the children, some of whom are too young to understand or feel their loss, should have recorded evidence of his great eminence, and the high estimation in which he was held by a liberal profession—it is fit that we should teach them that whatever may be the accumulation of his talents and his industry, whether he has left them in opulence or in indigence—they inherit from him what is better than wealth—what vulgar prosperity could not purchase or bestow—the favourable prepossessions of the good—the zealous wish of every virtuous man to assist them in their progress through life—the patronage and protection of all that is feeling and all that is worthy in this land.

But, gentlemen, we have a nearer concern, a closer, I would almost say a selfish interest in paying this tribute—in this temple of justice was his life exhausted in furnishing a model of professional excellence, calculated to improve the practice of the bar, and to raise its character in public estimation—deep and perspicuous—simple and interesting—zealous and candid—modest and bold—he gave

to every client the ablest exertion which an honest and honourable advocate could bestow upon his cause—and he never inflicted upon any adversary a pang of which a candid man could justly complain—without fortune—without patron—without vulgar intercourse—without the unworthy canvassing of partizans—without self predication—without servility—without overbearing he gradually attracted universal unsolicited attention to his high natural endowments—and the treasures of his extensive legal learning.—It was his peculiar lot in a profession prone to emulation and all its evils, to be followed without envy and passed without scorn —and when finally he passed all by, he rather wondered at than exulted in his success.—His humility grew with the growth of his celebrity, and his unassuming manners interested all men in his well earned elevation—and surely, gentlemen, it cannot but operate as an edifying example and an useful incentive to those who are now on their way, or who hereafter may follow him in an arduous and honourable profession, to learn, that such a man, in such way, attained a station in society to which the favour of a court could never have raised him, and from which the clamours of the populace could never have deposed him.

DESCRIPTION OF THE ARTS PRACTISED BY A PROVOST OF TRINITY COLLEGE, DUBLIN, ON THE OCCASION OF A CONTESTED ELECTION.

I SHALL mention but one example more of undue influence exerted, I admit, without effect; and I feel myself proud of the nature I partake of when I consider that it was ineffectual. The case of Miller exhibits, perhaps, the strongest example of contrasted cunning and wisdom,

meanness and dignity, baseness and heroism, that ever occurred during a vain attempt to soften and seduce inflexible integrity. The case of Miller had alternately shocked and delighted every man who heard it—every man who loves the University—who thinks learning, religion, or virtue ought to be cultivated in the land must be filled with indignation at the attempt which had been made.—What! Is the candidate for the holy orders—is the candidate for the highest literary honour in the nation—is the man who aspires to the dignity of being elected by the most reverend and revered body of men in the land to discharge the delicate and arduous function of forming the minds and the principles of the youth of the land to entitle himself to this dignity by a base compliance with a base overture? The enormity of this transaction is admitted: but it seems it has been resolved in council, on the other side, to deny its reality. The Provost of the University, a wise and learned man, even if he were base enough, could not be so silly as to hazard his situation by such a proposal, and leave himself at the mercy or discretion of Adair or Miller to betray him. To discredit Miller would be a vain attempt.—But Adair, the confidential and family friend of the Provost—this man whom you have seen so deeply immired in every dirty negociation, has contracted a foulness of character which may be now turned to account —the whole impurity must be cast upon him. The recorder, no doubt, has been instructed to sacrifice him. The offer must be made to Miller since he swore it: but Adair was unauthorised—the infamous man dared to use the Provost's name without his authority. This you must take for granted, for the dignity of the Provost's resentment will not condescend to offer proof. The Provost is a classical man, and he recollects that Scipio, when accused of embezzlement in office, burned his accounts that he might not be driven to the meanness of proving his innocence by vulgar

arithmetic. This sacrifice of Adair will, I trust, little benefit the cause. This committee will presume every thing against the party withholding the evidence of his own agent, and will not swallow the absurd supposition that the private tutor of the Provost's family, the devoted agent of his son, the man whose every hope in life depends upon him—the man whom we have been for six weeks abusing and reviling, would, if produced, be guilty of the foulest perjury to serve us against his patron—neither can you be affected by the supposed folly of confiding this proposal to Adair and Miller; for Adair could not have any temptation to divulge the corrupt secret, and Miller's acquiescence might be considered as certain. The Provost could not calculate upon so extraordinary an event as Miller's rejecting the offer—he has had much intercourse with the world—he has been much in courts and much in senates, yet it is not extravagant to say he never had intercourse with so honest a man as Miller —under his encumbrances to repel the offer may be considered as a *moral miracle*—certain I am, history does not furnish a more noble instance of heroic self-denial. Consider the circumstances. To obtain a Fellowship, a man of the brightest and quickest intellect must devote four or five of the most precious years of his life to abstruse, literary joyless study:—the pleasures of youth—the pleasures of friendship must be renounced: during the few last months of this painful preparation, the student must totally withdraw himself from his friends, from his family, from his affections. The strongest constitution suffers a temporary injury, the most vivid spirits are deadened by this private incessant unanimating exertion—many a student has died in the pursuit. The object too is proportionably great—its difficulty prevents any man of independent fortune from embarking in it, and consequently success makes the difference between poverty and affluence, obscurity and fame. The family, too, of the

student participate and augment his anxiety, and he often looks upon success as his only means of giving relief to an indigent parent or an unprotected sister. Miller has been twice unsuccessful—no man ever succeeded in a fourth attempt—so that a few days was to have decided whether he was to have been the happiest of men or the broken-hearted victim of a vain pursuit:—his defeat, on each succeeding examination, was a shock which few men could sustain—the answering was so equal, as well as so excellent, between him and his successful adversary, that the board might have given the prize to either without censure.—His friends, who were numerous, thought he was entitled to succeed. Every able man feels his own force, and it is not surprising that their opinion made him indulge the most sanguine hope! nor is it surprising, after two disappointments, that the suggestions of ill-judging friends, or ill-designing enemies, should make him suspect that there was a prejudice against him amongst the Fellows—his jealousy on this subject was known to the Provost and resorted to as an infallible means of seducing him. He was told that the Fellows were determined to preclude him; that the nominating power was his only hope —thus the unfair advantage offered him (an advantage which would have made a docile parrot appear superior to Sir Isaac Newton) was represented as the necessary means of obtaining a justifiable end, and the terms required was an act of all others most disagreeable to men whom he was taught to believe were illiberal adversaries. Let the man of the proudest virtue among you ask himself was his refusal to be expected. Let the most cautious ask, what was the most apparent hazard that such proposal would be rejected and exposed. Let the seducer enjoy the benefit of every inference which can be drawn from coming against profligacy; but let not the virtue of one man be reasoned from in exculpation of another of a very different cast, nor let it be deemed

credible folly in a veteran politician that he did not expect to meet miraculous integrity.

I have now discussed every topic of the case that appeared to me to be of importance; and, gentlemen, when my mind glances back through the principles and propositions I have been labouring to establish, it rests satisfied that however superfluous my exertions may have been they must be successful. I feel a confidence of success which cannot deceive me—'tis a confidence founded upon the best and the clearest principles of constitutional law—the oaths of fourteen honourable men guarantee it, and every good public and private feeling conspire to prop and support it. For, gentlemen, what are the propositions, the establishment of which gives my client a right to succeed, Can I presume you doubt that election bribery brought home to a candidate for his agent by the common constitutional law of this land vitiates his election? Is not this principle legible in every page of the journals of parliament?—Is it not a principle so necessarily incident to our constitution, that if it were never before so decided you should decide it now, or declare to mankind that you have not faculties to comprehend the nature of an elected parliament, or feelings to defend its purity and its privileges?—Can I suppose you distinguish in favour of the corrupter, between a bribe rejected and a bribe received? or will you say that what completes the legal crime does not complete the constitutional crime, but that a culprit branded by a verdict for a sordid misdemeanour, is pure enough to associate with the representatives of the nation? Or, gentlemen, even though this case stood on the statute of the king, and that you were so narrow minded as to suppose there was no such crime as bribery before the present reign, can I suppose you will limit the construction of the words of the act against its manifest end, and when the legisture has said "no one at any time hereafter shall

promise" confine it by construction to promises after the test of the writ? These propositions, gentlemen, are too plain to admit of any doubt—yet plain as they are they are not the strength of my client's case. Election bribery, the growing vice of the age in its simple state, has all the loveliness of virtue compared to the monstrous form it has assumed in the University. The undue influence which you have seen exerted in the University, whether you consider the mode, the place, or the end of its operation must fill you with disgust, with sorrow, and with indignation; and I doubt whether the natural feelings of an unsophisticated man would be more shocked at the foul transactions which have been brought to light, or the unfeeling levity with which they have been defended as the mere ordinary exercise of lawful prerogative, such as every man of sense would exert and none but visionary men would condemn. I am not surprised at the impatience which you manifested while this subject was investigating, and almost wish you had interposed your authority between the right of my client and the odious investigation, rather than have exposed to the public view the disgraceful and disastrous state of the University. But, gentlemen, it is a consolation highly gratifying, that while you have been forced to behold the learned youth of the land corrupted and debased, you have at the same time witnessed examples of the most exalted virtue—indeed, in this interesting and irrigated enquiry, you have witnessed incidents calculated [illegible]ately to excite pity, admiration, grief, and abhorrence.

You have seen parental authority hired to corrupt the suffrage and pollute the honour of a child—you have seen the best principles of morality and the noblest feelings of the heart committed in deadly discord for purposes of corruption; and a wretched son compelled to disclose a father's disgrace or be himself disgraced.—You have seen young

ambition panting to pursue the invitation of ardent genius, and wily seduction watching a favourable crisis when rigid principle might be relaxed in the hot pursuit: and, thank Heaven, you have seen honour triumphant over ambition, and the brightest talents and their most alluring calls subjected to permanent integrity.

You have seen the student on the eve of his third experiment for fellowships, while his mind was fainting under the severity of prolonged and reiterated study, and ease, honour and competency were floating before him at this moment of mental and bodily lassitude, you have seen his principles assailed by an offer of what he was dying to enjoy;—and if the corrupt logic of the age shall not persuade you that such heroic self-denial is incredible, you have seen such sordid overtures nobly spurned and the short path to infamous prosperity deserted with scorn.

You have seen poverty, recluseness, and simplicity of manners, operate as invitations to direct corruption.—You have exulted to see courtly manners and splendid offers ineffectual in seducing rigid integrity: and, I trust, you felt a liberal indignation when you saw impotent attempts to corrupt succeeded by impotent attempts to defame.

You have seen the professorship of divinity devoted to purposes of corruption—you have seen every arrangement to preserve it from lapsing [illegible] every overture to fill it received with deafness [illegible] perfidy: and when no man could be found [illegible] accept it on terms of stipulated prostitution, you have seen an honest and an able, though simple man, tricked into becoming an unconscious instrument of the foulest prophanation. Thus you have seen the very fountain of religion contaminated, and the support and patronage of a tutor and a friend pilfered by sacrilegious craft from a pupil who was the object of his love, of his pride, of his admiration.

On the Injustice and Severity of the penal Code in Ireland.

GENTLEMEN, it would be a bitter reflection on your character, as Irishmen, to presume you to be hostile to the principle or pursuit of the Catholic Committees. Persuaded I am, that, whatever your religion may be, or your zeal for that religion—whatever your natural, manly, and constitutional hatred of slavish principles; whatever your predilection for your own creed may be, there is not a man of you who does not rejoice at the blessings which have flowed from the breaking down of the penal code. Some of you are old enough to remember this country in a state of the lowest degradation. Half a century back, it was so squalid and contemptible that any stranger, whom chance or curiosity brought to our shores, entered it with terror and left it with disgust. No historian, no tour writer named Ireland but in terms of reproach. The code which caused this lamentable condition has been broken in upon by Protestant liberality going hand in hand w holic zeal. It was a code calculated to degrade the s, not merely to the state of the beasts of the field but far beneath them—to deprive them not only of every natural and civil right, but of every thing that could improve or embellish the nature of man. Every inlet of knowledge was closed against them. No Roman Catholic could be taught even the rudiments of learning but upon the terms of abdicating his principles, and surrendering his conscience by renouncing his creed. Harsh

measures were adopted to keep their minds as grovelling as their personal condition was abject. Not a ray of light could approach them, except such pilfered literature as persecuted pedagogues could convey, or such barbarous philosophy as could he supplied from foreign universities under the severest prohibitions, as if ignorance were an antidote to superstition—as if the light of science would extinguish the light of the Gospel!

Charles Kendal Bushe Esqr.

MR. BUSHE.

CHARLES KENDAL BUSHE, the son of a clergyman of the established church, was born in the county of Kilkenny, in Ireland. He was educated in Trinity College, and after the usual process, called to the Irish bar, of which he now forms one of the most distinguished ornaments. Though some of the specimens which I have collected appear to me extremely beautiful, still it would be a great injustice to say that they conveyed anything like a perfect idea of his eloquence. To be properly appreciated, Mr. BUSHE must be seen and heard. He is the living justification of Demosthenes's dictum—emphatically, *the orator of manner*—his eye—his face—his gesture—his very hand *speaks*—all grace, all sweetness, all expression—his tongue, dropping manna, is perhaps the most silent organ of his oratory. Mr. BUSHE is now the solicitor-general of Ireland, and considered by the unanimous decision of the

Irish bar, as the person upon whom the labours of the chief seat on the King's Bench when it shall become vacant, ought to devolve. No one who has studied his public life can doubt that he would by his virtue, his learning, and his eloquence, at once dignify and adorn it.

The leading speech which I have selected for publication, is one which he pronounced shortly after his call to the bar, on closing the first session of the Extern Historical Society This society, which had nurtured some of the brightest ornaments of every liberal profession in Ireland, was exiled from the protection of college upon some vulgar pretence, by the gang of bigotted monks who even at that time anticipated the equally liberal orange loyalty which afterwards tore down from their walls the picture of the venerable Grattan. The leading exiled members formed what they called an Extern Society, and to Mr. Bushe was delegated the duty of addressing them at the close of their first session. Dublin College never sustained such a loss as in the annihilation of the Historical Society. Its avocations were those which naturally tempered the abstruseness

and liberalized the pedantry of the university studies, and its rewards distributed by the voice of the competitors themselves, encouraged a noble and generous emulation. Its results were inevitable. There was no man in the church or at the bar, who could not directly trace his success to the Historical Society. The plan which I have adopted in those trifling preliminary notices naturally precludes a more minute detail of those who appear to me best to exemplify the peculiar style of our national eloquence. I hope, sincerely, with every member of his profession, that the day may be far distant when Mr. Bushe shall become a legitimate subject for the panegyric of his biographer.

IRISH ELOQUENCE.

Speech of Mr. Bushe, delivered on Wednesday Evening, the 24th of June, 1794, being the close of the 24th Session of the Historical Society of the University of Dublin, instituted in the Year 1770.

Gentlemen of the Historical Society.—I should be as much ashamed as I am proud of addressing you from the chair in your present outlawed and exiled situation, if I thought your present situation was the consequence of your own misconduct, or that you even shared with your persecutors in the disgrace of your separation from the university: for, however I am honoured by the presence of old members, I speak to students alone: their improvement was the original object of the institution; for their sake has its dignity been asserted: they are to be injured by its suppression—they are to be benefitted by its preservation. I therefore wish to be considered as addressing myself to them, and as considering this meeting not as a debating society from choice, self existing, but as the Historical Society of the University of Dublin, in a state of involuntary and unfortunate separation from that body to which it would have owed allegiance, if it had received protection.—I am not, gentlemen, less conscious than the most inveterate part of your enemies or the most timid of your friends of the unfavourable appearance which your assemblage in this room at the

first blush presents—I see in its full magnitude such an object as the students of the only university in the kingdom in a state of resistance and rebellion to the legal and authorised heads of that university.—I should be very much afraid therefore of appearing your abettor in such a contest, if I had a doubt on my mind of your being perfectly in the right, for it is a contest in which from the nature of the parties, if you had been less than entirely in the right you would have been entirely in the wrong.—As students you owe the board many duties—they have such a claim to deference and obedience from you, that the smallest deviation on your part into wrong, or by your enemies into propriety would have given them the advantage over you which you hold over them—that superiority which you derive from rectitude of cause sanctions and enhances the honourable situation to which your partiality has called me, forbids me to be ashamed of you or afraid of myself, or to know any other feelings at this moment but pride in you and gratitude to you.—You have assembled in this room for four months since your expulsion from the university, and the respectable manner in which your meetings have been attended, the spirit with which literary objects have been pursued, and the decorum of your conduct which even ill treatment could not corrupt, have reflected upon your character that splendour which always illuminates merit in adversity.—You have now disproved and refuted the silly and timid predictions of those who neither served nor complimented you when they fastidiously pronounced that you could not exist out of College-Green, and who thought that the essence of the Historical Society was to be found only in the walls of the old priory of All-Hallows.—You have taught such men that your essence was the spirit of an attic taste and elegant refinement, a spirit too subtle and too sublimed to be confined by the slavish limits of circumscribed locality.

I know very well that the connection between this institution and the university was valuable to both, and therefore, I lament their disseveration; but I cannot forget that the advantages which the institution derived from the university in the honor of its protection, or rather in the favor of its connivance, have been as we feel of a capricious and transitory nature; whereas those which the society has conferred upon the college are permanent, generous, and imperishable. To have improved their system of education, to have polished the severity of academic learning, to have reclaimed their youth from vicious and riotous pursuits by giving a taste for elegant knowledge, and making literature the fashion;—these are advantages of which they cannot be deprived, even by themselves, and which they will continue to enjoy even after they have ceased to deserve. I should not dwell upon our merits or our sufferings, but that I am called upon to notice the falsified prediction of our dissolution: the pang of separation was no doubt painful, and it is not surprising that some should have thought it mortal: but four months of health and life and vigor, have proved that the college, though the tabernacle of the institution, was not its vital principle, and that the man who thought otherwise, mistook what was the body for the soul. And yet, gentlemen, my heart laments the separation—*dulce reminiseitur argos*—and while I am forced to vindicate you from the aspersion, that you would not exist out of the college, I regret that the vindication is necessary. I am sure you all regret it with me, but I am equally sure that your feeling is the generous affliction which results from parting with an old friend, not the selfish anxiety which trembles on the alternative of a painful sacrifice or a dishonourable existence. It is with much regret that I miss the usual and respectable attendance of the fellows of the college upon this occasion. Their avocations and their delicacy equally preventing them

from often attending at ordinary meetings; they, however, were never before absent upon such occasions as the present, and it must doubtless have given a most pleasureable sensation to those entrusted with national education, to think that on the eve of a vacation, when they were about to return their pupils to their parents for a season, the last scene in which they saw them employed, was, the conclusion of a year of voluntary application to the most elegant and the most useful branches of literature. Such a pleasure did they enjoy, such a sanction did they give for twenty-four years; and from this recollection of their favour, do I claim the inference that they approved of the institution—they were not insensible of what an accession such an institution must be to any university—an institution which wonderfully refined and at the same time strengthened, tempering while it polished the system of collegiate study. By the elegant seductions of emulation, it tempered you to the study of belles lettres, and the habit of study once established, extended itself to the other departments of education.

It is a fact verified by the experience of you all, that almost without exception, the same young gentlemen have obtained the honours of the university and the honours of the society—our medals and their premiums have seldom gone into different hands. If any one is weak enough to say that we did not serve the academical cause, he cannot be bold enough to say we injured it. Shall this be called an uncollegiate institution because it has been the nursery of fellows themselves? I am old enough to remember almost all the present fellows active and sedulous members of our body: of late years there is scarcely an instance of a fellow being elected who did not belong to us. Those tongues have been loosed in the society whose exertions at this day improve and embellish and give a character to the college pupil—whose eloquence is besought by general treaty in the

cause of public charity—and rewarded by public gratitude. Often have I seen the candidate for that high situation come here to recreate his mind exhausted by the painful austerity of a week's scientific application, to relax his strained faculties in the elegant luxuries of an evening of polite literature, and make Wednesday as it were the sabbath of his labours, devoted to salutary rest and innocent indulgence. Often have I seen them after the elevated rank which their merits claimed had removed them from amongst us, return with kind condescension, and animate our pursuits by their presence and encouragement, like the visits of those benignant spirits which are said to hover with a guardian influence round the scenes of their former fame, inspiring the consecrated spot with wholesome awe and reverential emulation. I cannot but remember such things were; and when I think of such things—when I cannot shut my eyes upon the advantages this institution affords, and has afforded to the university, and to the world—when I recollect the sanction it has received from the Fellows of the college from its infancy till now—when I retrace the personal benefits which those men themselves have received from it, benefits not forgotten by the gentlemen of the bar, or any other of the learned professions—when I cannot bring myself to think that an infamous ingratitude unknown to and disclaimed by those professions, finds a solitary welcome among the Fellows of Trinity College:—above all, when I recollect that we have been suffered now to exist for four months in spite of a menace uttered in a moment of resentment, and that the board have spared us that death-blow always in their power, and once their intention to inflict—when I put all this together, I cannot but infer, and it is with pleasure I make the inference, that the heads of the university at large are not hostile to the Historical Society, that their late opposition has been owing to unfortunate misconceptions and to clouds of misrepresen-

tation daily dispensing—that some secret enemy has interposed a fiend-like malignity between us and that venerable body—some union of the rancorous activity of persecuting bigotry, with the phlegmatic torpor of frigid and pedantic bad taste—some mind in natural hostility to genius, and habitual antipathy to elegance—some vile and dark subordinate agency rescued only from contemptibility by the more appropriate feeling of abhorrence, and hiding in insignificancy by the magnitude of the mischief it produces.—Impressed with this conviction I cannot smother an ardent hope that this institution will yet be restored to the university; that healing time will sooth all acrimonious recollections, and that the honour and interests of both parties will be preserved and increased by a generous oblivion of the past, and a united perseverance for the future in the common objects of both public improvement and national education.

But let the cause or let the event be what it may, it behoves me, and you have a right to expect it of me, that I should take notice of the calumnies with which our enemies have poisoned the minds of the heads of the university, and vindicate our ancient and valuable society from the aspersions sent through the college and the world against us. If I did not to-night speak to your present situation, I should trifle with the partiality which elected me to the chair; and to read you a cold lecture on your studies, when your existence is at stake—to write an essay on minute tactics when the republic is in danger, would be affrontive to you and ridiculous in me. And indeed, gentlemen, the charges brought against you are momentous, and the calumnies uttered against you are serious; they are such as if believed would justify much severity, and if true—would justify any severity. And it is to these weighty accusations, the fabrications of your secret foe, that I must attribute the hostility of the

heads of the university; for it is impossible to conceive men of their high and dignified situation persevering in a pertinacious and contemptible contest with youth, upon the merits of frivolous etiquette or wounded punctilio. This must be pretence, and not the cause of quarrel. The charge of disrespect to our superiors—the suspicion of having affronted the body, in the person of one of its members, are accusations so amply explained, are crimes, if committed, so fully atoned for, that I cannot think it possible that the Fellows of this day either believe or remember them. There is something so monstrous in the disproportion between the offence and the punishment—between an imagined or expiated disrespect and the total and eternal destruction of an inestimable good institution, that I will never suspect the board of such gigantic injustice. I will never believe that even if we offended, offence on our part necessitated *outrage* on theirs—that sages hold their wisdom on no better tenure than the discretion of boys, and that when we giddily touched the hem of their garments, their virtue went out of them. Men of feeling would be softened by the generous and ingenuous submission of youth in error—with the guardians of learning a literary society would find favour—men of taste would be slow to punish, and would themselves be the advocates of genius and talent, and emulation—every muse would plead for her votaries.

"Carmine Di superi placantur carmine manes."

The best and the worst, the highest and the lowest, are assailable by penitence;—heaven-taught mercy adorns them all, and they are most like heaven when mercy seasons justice. I will not believe then that the seat of learning, of religion, is the only temple of that savage inexorability, of that quenchless revenge in whose breast the worm never dies

and the fire is never extinguished. Gentlemen, you my contemporaries, you my seniors, you who have known the institution for so many years, will you believe it that the Historical Society has been represented a political society, prophaned by a comparison with the whigs of the capital, united Irishmen, and such other jacobin associations? I ask you, would you have believed it? It is, and to you it must appear a charge of such impudent falsehood, such diabolical effrontery, that I should not condescend to notice it if the propagation of the slander had not been fatally effectual. As such we have been represented to the board. It is possible they might have been imposed on, but they might and they ought to have been undeceived by the junior Fellows who so well know that it was false. As such we have been represented to those high and venerable characters the visitors of the university. Their arduous avocations and elevated stations rendered them the fittest subjects for the imposture, and if they believed the tale, and they must have believed it if it came from plausible and respectable authority, they only did what was their duty at any time, and especially in those times, in taking every measure to suppress us. And yet, gentlemen, it would not, perhaps, have been inconsistent with even the highest dignity in the state to have enquired into the truth of the representation, before it ventured on a rash and sudden decision. You know, gentlemen, that we would not have been found manufacturing pikes, or manufacturing sedition—that we hold no correspondences on political subjects—that we publish no resolutions, issue no manifestoes—we have suffered too lately by a violent and convulsive revolution, not to be counter revolutionists in our hearts—and so far from favouring republican principles, our highest and most strenuous ambition is to restore this goodly throne,* which has now

* The president's chair.

flourished through a dynasty of twenty-four years, upon its ancient foundation:—no new-fangled equality sways us—the president is absolutely raised three full feet above his fellows—he is allowed to wear his hat, and it is not *a bonnet rouge*—we emulate by our ribbands the beautiful aristocratical emblems of the garter, the bath, and the thistle, at the humble distance of conferring them for real desert. Until our enemies frightened us, terror was never the order of the day. Poor Crawford, the porter who kept the door, was neither *a Féderée soldier* nor a *Carmagnol sentinel*—and the old woman who swept the room was the only symptom of sansculoterie amongst us. Gentlemen, I cannot treat with more seriousness this infamous and foolish accusation which shelters its audacity in its absurdity. I am proud to say it for you—and if I thought I could not say it with truth, I would not now fill this chair—that the Historical Society is composed of as loyal and constitutional men as any other body whatsoever; and I will venture to assert, that when this room is filled with lord mayors and aldermen voting adulatory addresses and fawning congratulations, the homage paid to the king and constitution is not more pure than the generous loyalty which beats high and honest in the liberal and ingenuous breasts of the educated *youth of Ireland.*

It is very true that once in twenty-four years, and but once, and that six years ago, the society entered upon a question of an irritable and modern complexion—and what was the consequence? Upon a hint from the board, the question was changed, and a law passed to prevent such questions in future. It is very true that in the discussion of an historical question, the warm mind of a young man may be struck by some analogy to present times, and be tempted into observations which in cooler moments he might disapprove: even this has happened very seldom, and never

passed unreprehended. But suppose it to have happened sooner, would it justify the total annihilation of such an institution?

These indiscretions take place in sager and graver assemblies very often. They often occur in parliament, yet would the accidental license of speech in parliament justify the crown in the violent and total abolition of popular representation and national discussion? Were that the case, perhaps this room might now hold an insulted and exiled senate supported like you by public opinion and public utility, and protected like you from menaced destruction by the justice of its cause. No, gentlemen, there is an end to freedom, both in great and small communities, if executives run riot at this rate and are ready to lift their exterminating arms on every occasion when that faint boundary is transgressed which separates a necessary liberty and a possible licentiousness.—Another of the crimes imputed to the society, and that which was urged with most warmth because with most sincerity, is *the independence of its constitution:* and the sacrifice of your extern members was required from you as rendering your institution too independent of college discipline. The danger and criminality of this independence is one of the modern and late discoveries which do so much honour to the liberality and ingenuity of the learned heads of the university: for, during the twenty-four years that we have existed, the objection never before occurred to that acute body, who have hitherto, with a culpable passiveness, submitted to the inconveniences of *solid benefit* and *practical respect* without looking for theoretical mischief and speculative rebellion in the organization of our institution.

I shall not now repeat the arguments which I and others have so often urged to prove the cruelty, the absurdity, and the meanness which would attach to you if you gave up your extern members. The absurdity of dreading danger

from the few externs who could attend your meetings—the illiberality of dreading it, even if all your externs could attend—and the folly of supposing that men became unfit and exceptionable members of an assembly in proportion as they advance in years, and recede from juvenility, together with the extensive affront offered to many hundreds of gentlemen scattered through the different walks of life, are topics which it would be easy to detail. But if I thought it at this day a question with you—if I thought it necessary to argue again—if I imagined your minds were not completely made up as to the preservation of our dignity and your own, I would not condescend to waste a sentence upon men so callous in heart and so dull in understanding. But let me repeat what I cannot say too often, that the *voluntary nature* of this association, the independence of its constitution, is the essence of such an institution as this; every thing that would abridge that *freedom* would go towards your destruction: every thing that would make you more *a collegiate appendage* would make you less THE HISTORICAL SOCIETY: your pursuits, which are the *Belles Lettres*, languished in *college*—they have flourished in this *society*:—they can never be forced in any soil—the principle of emulation alone can produce them, and emulation is neither solitary nor compulsory: if it is attempted to be applied to insulated individuals, it will perish, like the electric shock, the moment it is communicated, and never go beyond the person who receives it: if one spark is struck in a society united and connected by the chain of sympathetic ambition, it will run through them all from the first to the last, and every man of them will feel its influence tingle through him.

The *Belles Lettres* never can be studied academically—it is impossible: The muse, the most elegant of inspirations—like love, the most generous of passions,

" At sight of college ties,
" Spreads its light wings and in a moment flies."

Imagine the thing and the consèquence of it.—What would you think of private tuition for public speaking—quarterly examinations in epic—protections in pathos—chamber pastorals—premiums in elegy—certificates in epigram—and evening lectures on the sublime?—No, gentlemen, it never could succeed.—Witness your Livy never read by yourselves, and your themes never read by your examiners—witness your declamations and your disputations never heard by any body and ridiculed by every body, the trite and common jest of tutor and of pupil.—Such were the only shadows of the shades of history, oratory, and composition which were to be traced in the Irish university before the establishment of this society.

In this abject and hopeless situation lay the case of polite literature, without an exertion in the wish, or perhaps in the power of its legitimate and chartered protectors: when, like your countrymen, you sprung up volunteers, and now that you have succeeded, now that you have, like them, brought back the lost palladium and erected the altar of Irish freedom, the very men who have been benefitted by your toils, the very men who were proud to be reckoned in your ranks, and whose present splendour of situation is but a reflection from the lustre of that array, with a mixed effrontery and ingratitude labour to decry you, and attempt to disarm you. Preserve, then, your independence, and to preserve it preserve your externs: in moments of danger, and you see such moments may come, your veteran legion who have survived the control of the *ferula* must be your refuge; you have spirit enough yourselves, but with your enemies your spirit will be your crime, and your youth will be your punishment: do not be imposed upon by the illiberal insinu-

ation that the externs have adhered to you from a principle of selfish and desperate tenacity vindictive in them and fatal to you. Do not believe that men disseminated through the world, and by the world dissevered from you, can rally round you at this moment from any motive but your good: gratitude to the institution, and that a lively gratitude which survives the moment of benefaction is the only bond of connexion between you and us: we derided, and you deride the ridiculous appeal to our generosity, and which has called upon us to sacrifice ourselves an oblation to the incensed divinities and a peace offering to you. But we suspect meanness when it preaches heroism, and we laugh at corruption indicating patriotism: be assured we do not wait their call to devote ourselves for your good, nor should we decline the part of Curtius if the gulf was to close only upon ourselves which we know would yawn the wider for you.—What is our crime that we should be thus affronted by a general proscription, by an indiscriminate expulsion in our advanced life from that institution which our youth *created, preserved,* and adorned: that those names, those thousand names, should be ignominiously obliterated, whose exertions, whose labours, whose honours swell the numerous volumes now piled upon your table, at once displaying the glories and antiquity of your institution: those names—but we will forgive our enemies every thing sooner than the necessity they have imposed upon us of thus blazoning ourselves:—Let panegyric, then, like satire, tread in the Flaminian way.—Will you consent to affront your dead? Will you stoop to stigmatize, with posthumous disgrace, those departed friends, consecrated in your elegies and embalmed by every tender memorial? Will you suffer that malignity which spares not even the sanctuary of the grave to insult the manes of your *Temple Emmett?*—That name to this institution, to his profession, to his country "*carum et*

venerabile; that loss which has been irreparable; but that like the alternate lustre of the twin constellations, when he sunk beneath the horizon he left *a brother* luminary to irradiate the hemisphere.

Let me remark, that the heads of the university have seemed to feel on this occasion towards the professional gentlemen once educated under them in a manner which is not warranted by our feelings (I will answer for one) towards them: there appears to me something very illiberal and unkind in supposing that all connexion or regard towards the university is to perish at the conclusion of our studies, and that when we cease to be preceptor and pupil we enter into a new relation of mutual suspicion and ill will, and that it becomes impertinent in us to think any more about them: I own I cannot think so: as an Irish gentleman I have a right to be interested in the Irish university: I feel that I cannot wean my heart from a fond recollection of that seminary in which I passed four happy and improving years, in which I formed those friendships and connexions now forming the happiness of my life.

Thus to turn out and expose her grown up children, and that for an affected partiality for the younger brood, who will to-morrow or next day be turned out themselves, savours less of the Alma Mater than the Injusta Noverca: rather 'tis the animal maternal feeling of the brute creation, savage and instinctive, which almost perishes with the season of gestation, never survives that of nutrition, selfishly loves their offspring while they relieve the pathora of its situation, and then turns them wild into the forest to mix with them hereafter in unnatural promiscuous love or unnatural promiscuous war.

I have now remarked upon those slanders uttered against an institution which originate in malignity of heart: but malice was not our only foe, it called in dullness and bad

taste to its aid, and from this triple alliance, from this mischievous conclave issued that rescript of barbarism, viz. "That we were to be suppressed because oratory was an anti-collegiate study." If oratory is not detrimental to mankind it cannot be anti-collegiate, except it be proved by college *logic* that what is honourable and useful and dignifying to *man* is unfit for the study of *youth*, that every thing eligible is best taught negatively, and that no instruction is equal to learning by contradictions: but there are men who have even put it to issue whether oratory has been useful to mankind, and have reasoned eloquently against eloquence: in what department of life, then, lies the danger of this fascinating destruction? Did St. Paul mistake the spirit of Christianity when he spake with the tongues of angels and of men? Has religion, has charity, suffered by the eloquence of Kirwan? That great man revived, if he did not create, pulpit eloquence:—The dulness of mankind had conspired with their vices to fetter the pulpit in the shackles of inexertion.—The smallest attempt at composition was spurned at as conceited—any attempt at oratory derided as theatrical—stupidity became orthodoxy—and genius reluctantly bridled itself at the peril of heresy:—but the mighty powers of that man, and a few more, broke down the despotism of prejudice—and what was the consequence—churches overflowed, religion disdained not the aid of talents—with a holy indignation he smote the haughty ones of the earth and denounced them before their God. Pride, like Felix, trembled before him: his eloquence, at once pathetic and commanding, opened all the sources of compassion and forced all the fortresses of vice—flinty avarice, callous profligacy, selfish ambition, saucy presumption, all melted before him, their tears and their alms flowed plenteously; captivity was released, the fatherless and orphan were adopted, the widow's heart sung for joy.—Nor did it end here, the example was

infectious, a sanctified emulation ran through the profession; universal exertion took place, and universal benevolence has followed it, and public charity has become the characteristic of this country. Bring me, then, the muddy-headed and cold-hearted divine who tells you that oratory is anti-collegiate and anti-clerical, and I will tell him that he is unfit for his high calling because his soul warms not his intellect in the discharge of it. He will never do that good to others which is the essence of his duty.—He may serve out dull homilies with the phlegm of a Dutchman and the graces of an automatan—He may laboriously entangle the simple beauties of the Gospel in the embarrassing mazes of a learned controversy, and profane its mysteries by presumptuous explication—he may make the Prophecies a riddle-book and the Revelations a conundrum, and think himself like Edipus entitled, in virtue of his blindness, to solve the enigma: but he is not the sanguine, the zealous, the efficient, that officer of the Almighty that is to turn many to righteousness, and whose reward is promised to be that he shall shine like the stars for ever and ever.

Bar eloquence I hear is also cried down—to study it is anti-collegiate, to practice it is anti-professional — good English induces suspicion of shallowness—but oratory is prima facie evidence of ignorance—*the black letter* and the *belles lettres* are uncongenial—ornament is midemeanour—and eloquence high treason. Such is the vile and senseless cant that assails the most liberal professions, and labours to illiberalize and degrade them. Such an opinion is the offspring of a vulgar and technical mind—

> " Whose genius never soared beyond
> " The narrow rules of art his youth had conned;
> " And to long practice obstinately warm,
> " Suspects conviction and relies on form."

Such a man deprecates the genius which he does not possess, and over-rates the handicraft he is equal to: he would sheer a splendid profession of its beams, and cut it down to trade: but such a man has mistaken his trade—let him article himself to an attorney, or confine himself to special pleading, and at his desk range through the variety of forensic intricacy; on that foundation let him build his trade, and enjoy it too, "anything herein contained to the contrary thereof, in anywise, notwithstanding."

But I will not believe that the profession I preferred, because I thought it most liberal, is such a low mechanic craft as this—I will not give up the Burghs, and the Erskines, and the Currans of the profession, to those fair jurisprudents and learned applicants of the law who scorns the genius that scorns them. The orations of such men will live while the language does, when the sculls and the parchments of the others shall have mouldered together, and the saucy grave digger, and saucier critic will say, "This *might* have been the head of a lawyer—where now be your quipps and your quiddities—is that the fine of your fines and the recovery of your recoveries?" The orations of Cicero are young at this day, almost in their two thousandth year. Peelius Corvinus atque Poplicola, who were, I suppose, the black-letter men of their days, *qui excidavere causas latîne*, are only known or preserved by a line in a poem, which perhaps, their gravity would have despised.

To elicit the fair and lovely forms of justice and equity from tecnical imprisonment—to dig out the ore of the *principle* from the rubbish of the *practice*—to polish the severity and decorate the nakedness of law—to call in the feeling of the heart to the aid of the understanding bewildered by professional intricacy—to preserve the invaluable trial by jury by working and keeping alive the feelings and passions of jurors —to advocate the oppressed—to vindicate the persecuted—

to thunder a terrifying eloquence into the ear of a hard-hearted, corrupt, or weak judge—or when a high handed and inflated prerogative *lawyer* from the bench threatens public liberty in the person of the individual, to make the cause of the cheat the cause of the country, and shield the constitution from the abuses of the law—these are the high behests of legal eloquence—this the high calling of the advocate.

I shall tremble for my country when the practice or the study of oratory is cried down—its glory and its liberty will not long survive. He is but a poor official politician, and his heart cannot embrace a comprehensive conception who can see danger in the exercise of public talent. Such politicians, however, there are, who with the talents of a guager would grasp or direct the sceptre with that hand which should wield the dipping rule. Politics would be to such men as narrow a science as law, and eloquence would be little necessary in either; they would feel much fastidiousness but little inspiration.

When the British senate wrung with the eloquence of Burke, or Sheridan, proclaiming the wrongs—advocating the liberties—and clamouring for the redress of the distant millions of Africa and Indostan—when England building a new character upon the genius of her sons, not raised upon the spoils of a sordid commerce, or the trophies of a destructive conquest, rose over the admiring world the arbitress of justice—the emporium of humanity. What would the enemy of eloquence feel when Grattan, asserting the independence of a nation, and adjusting the unballanced liberties of an empire, with the magic of his fire-touched tongue, terrifies one country into justice, and inspirits another into freedom—when the awfulness of his virtues rushing majestic and overbearing upon the wings of his genius, impresses and

controuls—and the flashes of his mind, like the lightnings of heaven, rapid and luminous, dazzle and astonish.

These are times when the politician should be no petty pedling *ex officio* character: these are not times to decry talent and repudiate genius—the political theatre is now grand—the drama tragic and eventful—no paltry change of ministry is the change of scene—no pantomime contest for glory occupies the stage, but the nations of the earth are at issue upon the elementary essences of their governments, and the whole world seems to labour with the birth of some new and virgin principle to which the nations look forward as if it came with healing on its wings abolescent of sanguinary old systems and salvatory to mankind. Gentlemen, I have spoken too long, but my subject was not confined, for I had to vindicate you and your pursuits. I shall conclude by expressing a fervent hope that when I meet you next, it may be in your former abode. I will never deny myself the hope of your reconcilement to the heads of the university: they are a learned and venerable body, you are a valuable and deserving institution: I trust every thing to their temper and your spirit; I hope much too from the returned interference of the respectable character whose absence always to be lamented is when occasioned by ill health, a double source of regret. He was the early and constant friend of this institution: the object of his academic reign has been to liberalize academic study both by his authority and example: the favourite of the muses has been always their advocate and his own genius interests him in the protection of yours. But I see* what checks me from pursuing this subject: let me then repeat that I lament the act of your resistance, and if I was to take it by itself I could not approve of it; but I cannot take by itself on this or any other cause the mere act

*Mr. Hutchinson, whose father was the person alluded to.

of rebellion to higher powers without considering the events which led to it or those which may follow it, and pass an abrupt and unqualified condemnation on the disobedience: I have no private interests to promote by fawning before the heads of the university: I have not in my heart that mixture of selfishness and deference that I should bow to power and be unforgiving in spirit: my mind is not of that planetory character which describing respectful orbits round the exalted and splendid, and living in the light of their countenance, still turns faithfully at home on its own axis. I am not disposed to cavil at or to fear those luminous aberrations from system which shoot now and then with eccentric lustre from their sphere, portentous and terrific to bigotry and ignorance and superstition, but filling the enlightened mind with sublime speculations and grand conceptions.

Injustice of the Measure of Union.

I STRIP this formidable measure of all its pretences and its aggravations; I look at it nakedly and abstractedly, and I see nothing in it but one question—*will you give up the country?*—I forget for a moment the unprincipled means by which it has been promoted, I pass by for an instant the unseasonable moment at which it was introduced, and the contempt of parliament upon which it is bottomed, and I look upon it simply as England reclaiming, in a moment of your weakness, that dominion which you extorted from her in a moment of your virtue, a dominion which she uniformly abused, which invariably oppressed and impoverished you, and from the cessation of which you date all your prosperity.

It is a measure which goes to degrade the country by saying it is unworthy to govern itself, and to stultify the parliament, by saying it is incapable of governing the country. It is the revival of the odious and absurd title of conquest; it is the renewal of the abominable distinction between mother country and colony which lost America; it is the denial of the rights of nature to a great nation, from an intolerance of its prosperity.—No man would be so frantic as to state as an abstract proposition, that Ireland is physically disfranchised from the common privileges of nations. If you stated to a native of a foreign nation that a country, containing a population of nearly five millions of inhabitants, and a territory of nearly nineteen millions of English acres, inhabited by a brave and generous people, blest by nature with a fertile soil, and every aptitude for commercial prosperity and domestic wealth, was physically incapable of governing itself, that foreigner would laugh at you. If you stated that a country containing relatively nearly a half of the population of Great Britain, though scarcely a third of its territory, and containing a metropolis at least the fourth city in Europe, exceeding in extent and population the capitals of his majesty's imperial allies, the Emperors of Russia and Germany, was by nature doomed to provincial inferiority, and was radically disqualified from governing itself, you would pronounce a libel upon a bountiful Providence, and a libel that would not be endured.

On the Natural tendency of a Revolutionary Society to Disorder.

WHAT man can answer for himself in going into such a self-constituted political society? His first steps are deliberate—his motives are good—his passions warm as he pro-

ceeds—the applause, never given to moderation, intoxicates him—the vehemence of debate elates, and the success of eloquence inflames him—he begins a patriot—he ends a revolutionist. Is this fancy, or history? I well remember, who can forget—the first national assembly of France? Composed of every thing the most honourable, gallant, venerable, and patriotic in that kingdom; called together for the noblest and the purest purposes, the nobility and the prelacy united with the representatives of the people, and the three estates promised the regeneration of the country. What was the result? The wise, and the good, and the virtuous, were put down or brought over by the upstart and the factious and the demagogue: they knew not the lengths they were going; they were drawn on by an increasing attraction—step after step and day after day—to that vortex in which have been buried even the ruins of every establishment, religious and political, and from whose womb has sprung that colossal despotism which now frowns upon mankind. What has become of that gallant nobility? Where are the pious prelates of that ancient kingdom? One by one and crowd by crowd, they have fallen on the scaffold, or perished by insurrection. Some, less fortunate, drag out a mendicant exile in foreign lands; and others, condemned to a harder fate, have taken refuge in a tyrant's court, and are expiating the patriotism of their early beings by the servility of their latter days. * * * * * * * * * * * * * * * * What man, in a popular and self-constituted assembly, would venture to interrupt? The very nature and constitution of the assembly generates danger and encourages excess. Compare such a constitution with the established authorities of the land, all controuled, confined to their respective spheres, balancing and gravitating to each other—all symmetry—all order—all harmony. Behold, on the other hand, this prodigy in the political hemisphere, with

eccentric course and portentous glare, bound by no attraction — disclaiming any orbit — disturbing the system and affrighting the world.

Advantages to Ireland of a resident Parliament and Assertion of her Claims to the Confidence of England.

IS it from centuries of wrong that you predicted the affection of her present proposal, and because her people are unanimous in offering you an Union, are you to forget that they were unanimous in refusing you a free trade? What is the meaning of that argument which says, while her power was qualified, her treatment of you has been oppressive, but when it becomes absolute, her conduct will be generous?— What reasoning is that which calls upon you to surrender an institution which has procured you every thing, and submit to a country which has denied you every thing? Will any one believe that all this was done because you had a parliament, and that too a parliament until the other day so shackled by Poyning's law, and the 6th of George the 1st, that it was barely nominal, and that the moment you cease to have a parliament, a golden age of justice and liberality is to succeed? This argument is beyond my comprehension, and yet how has Ireland advanced and improved even under all these discouraging circumstances? In one hundred years her population has increased near three millions and a half, the face of the country has changed, this majestic city has risen in the midst of it; Ireland has sprung and vegetated under

the foot that trampled her; her physical energies could not be kept down—compression seems to have given vigour to the efforts which she made, to recover her natural dimensions, and at last she burst from her confinement, and became herself in the year 1782—this has been the result of the gradual but constant victories obtained by a resident parliament over the prejudices of a foreign one, and since 1782 the progress has not been gradual but rapid—shall then the stationary prosperity, or slow advances of Scotland in seventy or eighty years, be attributed to nothing but her Union, and shall the race of Ireland to improvement in seventeen short years, be attributed to every thing but her independence? What Ireland might be now, if she had been differently treated, is a picture for the fancy. Had her constitution not been fettered—had her commerce not been crippled—had her character been respected—what would she have been at this day? An Irish imagination dwells on the speculation with fond conjecture; but how does the picture exhibit itself to an English fancy? Ireland, says the Castle manifesto, might have grown too great to be governed. Ireland, say the arguments of this night, has, in her greatness, a tendency to separation. Base, ungrateful, and cowardly slander! It seems to me, Mr. Speaker, as if the confessions of the Irish Directory, as appearing upon the report of the secret committee, had been gotten by heart, and committed to memory, for the speeches of this night. This is one of the topics of that directory; the answer of one of those unfortunate men, now in exile, is: that Ireland *has outgrown her connexion with England.* The Castle takes up the text, and preaches upon it; and we hear that Ireland may grow too great to be governed.—Amiable and candid consistency of argument! that in one breath states the Union to be the means of making us great, happy, and powerful; and in the other says, we are to be made greater than we are, for fear we should grow too great

to be governed. But is there in Ireland's greatness, that tendency to separation? Let your memories refute the calumny—What was the case of 1782? England was prostrate—or to use Lord Minto's technical phrase, *in duress*; Ireland was, as far as depended upon England, defenceless; as far as depended upon herself, invincible—there were scarcely regular troops enough in the country to mount the Castle guard—eighty thousand men bristled in arms—invasion was threatened and averted—the British sun seemed to have set—the empire was dismembered—America had been dissevered—Lord Cornwallis's sword was left in the care of general Washington; the combined fleets swept the channel, and frowned upon the coast, and what was the conduct of Ireland? Separation? Oh no! An acclaiming people cheered a loyal parliament, and the sentiment of standing or falling with Great Britain echoed from one end of the island to the other. What was the case of the year 1798?—No, one can forget that day. The contagion of French principles which had spared no part of Europe, and no part of this empire, reached Ireland—the republican faction meditated separation: the resident parliament investigated the conspiracy and armed the executive with vigorous authority: in a few weeks forty thousand men rose in arms at the call of British connexion. The zeal ran so high, and the spirit was so buoyant, that parliament was obliged to check its exuberance, and a motion of the honourable baronet who moved this amendment for an increase of the yeomanry was resisted and negatived. All ranks, all professions, all ages, thronged to the standard, and the rebellion was put down. While England has run the race of dominion, Ireland has run the race of connexion—I trust she never may retrace her steps.—Was separation then in 1798, the tendency of the Irish gentry? and is it for that that an Irish parliament cannot be suffered to exist? Was it for separation that the dangers and fatigues

of a military life were embraced and courted? Was it for separation that the merchant left his counting-house and the student his college for the camp? Was it for separation that the youth of the university sprang to arms with the ingenuous ardour of the young heart, and that the spring-bud of the nation put forth its eager and its tender head to brunt the storm?—Oh no!—The country was saved because there was a standard erected in it, round which the Irish gentry loved to rally, and that standard was British connexion.

What is it we are called upon to give up? I speak not of national pride or dignity; I declaim not upon theoretical advantages; but I tell you, that you are called upon to give up that municipal parliament which has procured you within the memory of you all municipal advantages which no foreign parliament can supply. We hear of nothing but imperial topics —Good God, is the parliament nothing but an instrument of taxation? Is nothing understood of a House of Commons but that it is an engine for raising money out of the pockets of the subject and throwing it into the coffers of the crown? Take up any volume of your statutes upon that table, you will find the municipal acts of parliament in the proportion of more than forty to one to the imperial: what has, within the memory of many men alive, changed the face of your land? What has covered a country of pasture with tillage? What has intersected an impassable country with roads? What has nearly connected by inland navigation the eastern channel with the western ocean? A resident parliament:—this is not theory—look at your statutes and your journals, and there is not one of those improvements which you cannot trace to some document of your own public spirit now upon that table, and to no other source or cause under heaven; can this be supplied in Westminster—could a committee of this house make a road in Yorkshire?—No, nothing can supply a resident parliament watching over

national improvement, seizing opportunities, encouraging manufacture, commerce, science, education, and agriculture, applying instant remedy to instant mischief, mixing with the constituent body, catching the sentiment of the public mind, reflecting public opinion, acting upon its impulse and regulating its excess.

Ludicrous Description of the Law Officers of the Court of Exchequer.

THE menial servants of the court are the officers of whom *Baron George* gives evidence. That *high* officer, the crier, is the first; according to Lord Coke, the court and chief judge are deeply interested that he should well and truly *cry*, when he calls the witnesses to the book, and the jurors to the box, and the plaintiffs to be non-suited; then follows the tipstaff, an important personage, who beareth a black rod surmounted with silver and chaseth away the idle boys! Last appears the court-keeper, a *comely matron*, belonging, *by the statute of Westminster*, exclusively to the *chief baron*, and to whom no junior baron can lay claim, unless when "my lord is out of town;" and she too is appointed by virtue of the reasonableness of the common law, because, as Lord Coke says, "the law doth ever appoint those that have the *greatest skill and knowledge to perform that which is to be done.*" Gentlemen, if you laugh, it is time for me to sit down. I am ashamed of this levity, if this part of the case has become ridiculous, it is not our fault.

RIDICULE OF THE PROPHECIED IMPROVEMENT TO BE DERIVED BY THE IRISH PARLIAMENT FROM ITS AMALGAMATION WITH THAT OF ENGLAND.

THE pure and incorruptible virtue of the ministers cannot bear the prospect of such corruption, and that they may not see it, they plunge into the midst of it: they are Platonists in politics; the gross sensualities of the connexion disgust them, but the pure and spiritual indulgences of the Union delight them. Their romantic virtue emulates the Roman fame, and the Irish Curtius dashes at the gulph, and would rather let the castle close upon himself than upon his country. I own, I always suspect this furious virtue; the morals of prudery are always problematical. When I see this pliable patriotism, declaiming with surly indignation to-day, and cringing with supple adulation to-morrow—in the morning Diogenes growling in his tub, in the evening Aristippus fawning in the antichamber, I always suspect there is something behind the curtain more than meets the eye. I would ask some one of those enlarged and liberal politicians, does he think that the simple executive government which is to be left in Ireland will be an improvement upon our situation, and whether he knows of no method to reform the parliament, except by annihilating it? The noble lord may instruct him by retracing the speculations of his youthful days, and supply him with some of those plans of reform which would not have cost him half so much trouble to carry as the extinction of the parliament. But what is to be

the transfiguration of this parliament which is to glorify it, and how is this corruptible to put on incorruption? It is sentenced to death—in Ireland it is to suffer the death of a felon, but its resurrection in Westminster, in the midst of angel purity and immaculate innocence, is it seems to compensate the loss of existence, and contrast the immoralities of its life. Alas! sir, have these high priests of the new dispensation revealed the truth to us as to this paradise of Westminster? Do they know the British parliament who thus speak? Do they think there is there no borough patronage, or borough representation? Do they suppose there are no placemen? Do they conceive it a pool of Bethesda, in which our impurities are to be cleansed? Do they forget that this immaculate parliament, more than twenty years ago, declared by a vote, that the influence of the crown had increased among them, was increasing, and ought to be diminished? Do they forget that the present prime minister declared eighteen years ago, that unless that assembly wass radically reformed the empire was lost? Do they know that it has never been reformed since? And do they think that one hundred Irish transplantations will reform it? Have they ever considered that there ministerial influence predominates so effectually, that the opposition has seceded in despair? Have they ever visited this exhibition of pure representation? Have they ever looked at Mr. Pitt governing that assembly by his nod, and scarcely concealing his own actual despotism within the forms of the constitution?

Reply to the CHARGE of JACOBINISM made by Mr. PLUNKET against the Attorney and Solicitor General of Ireland for resisting the right of the Chief Baron to the Appointment of Clerk of the Pleas, in his Court.

THE weight of the censure which has fallen on us is increased in proportion to the height from which it has descended. It has come from the counsel of a chief judge of the land: from the lips of one of the most illustrious individuals in this country; from a member of the united parliament; from a man whose inimitable advocacy is but secondary to that high character for integrity and talent, which he has established for himself and for our nation —upon whose accents "the listening senate" hangs—with whose renown the entire empire resounds. From such a man, censure is censure indeed. I call then upon him not to stop half way in the discharge of his duty. If we are tyrannical and oppressive—if we have revived and transcended the worst precedents of the worst days of prerogative—I call upon him in the name of justice—of our ancient friendship, and of our common country—I call upon him by every obligation which can bind man, to impeach us. If he be not our prosecutor he becomes our accomplice. He is bound to call us to the bar of that senate, where he will be on his legs and we shall be upon our knees; and if his accusation be true our heads are due to justice. The character of the chief baron has been redeemed by me; I have rescued the character of the court of Exchequer; I have vindicated my own; one yet remains—

the character of Mr. Plunket himself—and therefore I call upon him in support of his high reputation, to bring us to Westminster where impeachment is constitutional—where he will hold his high place and the lofty port which becomes him.—I call upon him to assume the senator and the patriot and assert his rank in that august assembly. To none has that high station which he holds in it given more delight than to me. I rejoice in it as an attached and ardent friend, and as an Irishman I exult in a man who has exalted the character of our country in the senate as high as another illustrious countryman has raised it in the field. Let him not stop at the charge which he has made in this place—let him follow it up—"non progredi est regredi"—he must either give up with shame this unjust attack upon the servants of the crown, or he must follow up his duty as a member of parliament and carry us before the bar of the Commons.—Let him do so—we are not afraid—*there*, at least, the judicial determination shall not be upon the hearing of one party. Let him remember that the charge is illegality, jacobinism and revolution, and that the crime is disrespect to what he calls the adjudication of the court of Exchequer! The very neighbourhood of Westminster hall ought to make him pause. What! state within its precincts, that a court of Exchequer in Ireland had made a solemn determination in a case where one party was not present and where the other presided!—The very walls of Westminster hall would utter forth a groan at such an insult to the judicial character—the very monuments would yield up their illustrious dead—and the shades of Mansfield, and of Somers, of Holt and of Hale, would start from their tombs to rebuke the atrocious imputation. I must call upon him to go on—but if he should—I tell this Wellington of the senate, he will do so at the peril of his laurels—I tell him, they are foredoomed to wither to the root.

Possible consequences to the connexion, if the posterity of the Suicidal Irish Parliament should ever learn that the Liberties of their Country were compromised by the vilest Corruption.

LET me adjure the noble lord to weigh well and consider deeply the probable permanency of a measure so conducted; let me implore him to avail himself of the passing experience of his own days, and of the instructions which history may afford him, and when he sees volcanic revolutions desolating the face of the political world, the first elementary principles of society loosening and dissolving, and empires not built upon the liberties of the people crumbling into dust, let him contemplate the awful change which he is about to accomplish, and consider the dreadful responsibility he incurs to his sovereign, by exchanging the affections of a loyal nation for the reluctant obedience of a degraded and defrauded province. Let him look for the permanency of this transaction, something farther than to the vote of the night, or the job of the morning, and let him have some better document than his army list for the affections of the people; let him consider whether posterity will validate this act, if they believe that the constitution of their ancestors was plundered by force, or was filched by practice. Let him, before it be too late, seriously ponder, whether posterity will validate this act, if they believe that the basest corruption and arti-

fice were exerted to promote it, that all the worst passions of the human heart were enlisted into the service, and all the most depraved ingenuity of the human intellect tortured to devise new contrivances of fraud. I do not say those things have been—I state hypothetically, and ask if posterity believe such things, will they validate the transaction? If they believe that there was foul play from the first moment to the last, both within doors and without, that the rabble were appealed to from the parliament, and debauched or intimidated to petition against the constitution of their country—if they believe that in parliament the disgust of the measure notwithstanding a proscription which made office incompatible with honour, stained the treasury bench; that the disgust of the measure broke asunder and dissociated some of the tenderest and most delicate connexions of human life, that the nominal office of escheator of Munster became an office of honourable competition, and after the parliament was thus reduced, that the Irish commons were recruited from the English staff. If they were to believe those things, and that human frailty and human necessities were so practised upon, that the private sentiments and the public conduct of several could not be reconciled, and that where the minister could influence twenty votes, he could not command one *hear him!*—I say not that these things are so, but I ask you if your posterity believe them to have been so, will posterity validate this transaction, or will they feel themselves bound to do so?—I answer, where a transaction, though fortified by seven-fold form, is radically fraudulent, that all the forms and solemnities of law are but so many badges of the fraud, and that posterity, like a great court of conscience, will pronounce its judgment—let me not be misunderstood—I am sure I shall be misrepresented—odious as this measure is in my eyes, and disgusting to my feelings, if I see it carried by the free and uninfluenced sense of the Irish parliament, I

shall not only defer and submit, but I will cheerfully obey. It will be the first duty of every good subject. But fraud, and oppresion, and unconstitutional practice, may possibly be another question. If this be factious language lord Somers was factious, the founders of the revolution were factious, William the Third was an usurper, and the revolution was a rebellion. For what did James the Second lose his crown? Can the case of the seven bishops be compared with the case of Ireland? I shall not draw the parallel.

I have too long troubled you, but before I sit down, let me for once conjure this House, to consider whether this be a transaction altogether upon which they are willing to commit themselves, their properties, their characters, and their children. Let me conjure them to weigh that question well, if private honour and public virtue be not a name, and if every generous feeling be not banished from amongst us. Where is that spirit which in the year 1782 swelled the crest and glorified the character of Irish gentry, which achieved liberty for yourselves, and extorted justice from England, and admiration from Europe? Is it fled and extinguished for ever? I will not believe it. But were every appeal to every thing human fruitless and vain, I would invoke that Providence which even in my short life has so often stretched his protecting arm over my country—in my short life, my country from a province has become a nation—has been protected from a bloody rebellion and a formidable invasion, and has seen one desperate attempt against her liberties and constitution frustrated and overthrown—I will rely on God to save Ireland.

EXTRACT FROM A SPEECH ON THE TRIAL OF MANSERGH *v.* HACKETT, FOR CRIM. CON.

GENTLEMEN of the jury, permit me, like Hamlet in the play, to present you the reverse of the portraits which have been drawn of this husband and his mate—or to quit the style of metaphor which does not so well become the language of truth, let me tell you in a few words what the facts really are. Lucretia, stripped of her Roman garb, turns out to be neither more nor less than Miss Shields, a lady of whose talents and accomplishments you have *heard* so much, and of whom you are just going to see a little. Possessed, as we are informed, of every virtue, we cannot suppose her deficient in *prudence*, the parent of the whole moral tribe, and of this she gave an early and a striking proof. Finding her person of marriageable age, and feeling herself little disposed to celibacy, she yet thought it prudent before she entered upon the awful state of matrimony, to see how she would like it, and by "taking earnest of a spouse," and before she took the final step, to know by anticipation what were to be its consequences. She made the experiment and liked it, and her marriage with Mr. Mansergh followed. Too liberal in her temper to confine her favours to one solitary object, and a *philanthropist* in the most extensive meaning of the term, it would require a combination of the powers of memory and lungs, with which I am not blessed, to give you a list of the individuals who have been honoured by her embraces. To aid recollection

I shall reduce them under certain general heads, and tell you that the *navy*, the *army*, the *bar*, and the PULPIT, have paid homage to her charms!!! And such was the admirable congeniality of temper between her and her mate, that he exulted in her triumphs, boasted of her success, and when he beheld a hoary headed divine tottering at the tail of her conscripts, has been heard, at the edifying spectacle, to ejaculate in a strain of religious enthusiasm, "Praise be to heaven, I have got the grace of God in my train!" Children were the natural consequence of this *diffusive* intercourse with the great world, and that they were *her own children*, is certain—but farther the most zealous of her deponents sayeth not. For, gentlemen—

The troops of heroes did surround
Her couchée and her levèe,
The pie-bald breed was never owned
By light horse or by heavy.

CONCLUSION OF AN ADDRESS TO THE JURY ON THE TRIAL OF SIR JOHN PIERS FOR ADULTERY.

GENTLEMEN, I shall not pursue this odious subject. I have stated the facts of this unparallelled case—I leave it now to you. In discharging your present duty, you have more than the present parties before you. You are guardians of public morals—you may give salutary instructions by wholesome example—you may teach the man of modern gallantry that he shall not invade domestic peace with impunity—you may teach the votary of modern honour that he

shall not palliate the seduction of a wife by attempting the murder of her husband—you may teach the public that a jury of moral and honourable men know how to appreciate the lost happiness of the married life—you may banish a profligate character from your island and send him to some region more congenial to his vices. This you may do by your verdict. But you cannot compensate my broken-hearted client—you cannot, by money, repair his injuries or heal his wounds—you can only impart to him that only consolation of which excessive misery is capable—the sympathy of good and honest men. As to the defendant, he is beyond your reach; his callous impenitence defies you—you may punish but you cannot reclaim him—you may make him suffer—you cannot make him feel.

GENEROUS CONDUCT OF AN INJURED HUSBAND ON HEARING FROM HIS WIFE A CONFESSION OF HER CRIMINALITY.

GENTLEMEN, it requires obdurate and habitual vice and practised depravity to overbear the natural workings of the human heart; this unfortunate woman had not strength further to resist—she had been seduced—she had been depraved—her soul was burthened with a guilty secret, but she was young in crime and true to nature. She could no longer bear the load of her own conscience—she was overpowered by the generosity of an injured husband, more keen than any reproaches—she was incapacitated from any further dissimulation; she flung herself at his feet.—"I am unworthy," she exclaimed, "of such tenderness and such goodness—it

is too late—the villain has ruined me and dishonoured you—I am guilty."—Gentlemen, I told you I should confine myself to facts—I have scarcely made an observation. I will not affront my client's case, nor your feelings, nor my own, by common-placing upon the topic of the plaintiff's sufferings. You are Christians, men—your hearts must describe for me—I cannot—I affect not humility in saying that I cannot—no advocate can—as I told you, your hearts must be the advocates. Conceive this unhappy nobleman in the bloom of life, surrounded with every comfort, exalted by high honours and distinctions, enjoying great property, the proud proprietor of an elevated rank and a magnificent mansion, the prouder proprietor a few hours before, of what he thought an innocent and an amiable woman, the happy father of children whom he loved, and loved the more, as the children of a wife whom he adored—precipitated in one hour into an abyss of misery, which no language can represent—loathing his rank—despising his wealth—cursing the youth and health that promised nothing but the protraction of a wretched existence—looking round upon every worldly object with disgust and despair, and finding, in this complicated woe, no principle of consolation except the consciousness of not having deserved it. Smote to the earth, this unhappy man forgot not his character—he raised the guilty, and lost penitent from his feet—he left her punishment to her conscience and to heaven—her pardon he reserved to himself—the tenderness and generosity of his nature prompted him to instant mercy—he forgave her—he prayed to God to forgive her—he told her that she should be restored to the protection of her father—that until then her secret should be preserved and her feelings respected, and that her fall from honour should be as easy as it might—but—there was a forgiveness for which she supplicated and which he sternly refused; he refused that forgiveness which

implies the meanness of the person who dispenses it and which renders the clemency valueless because it makes the man despicable—he refused to take back to his arms the tainted and faithless woman who had betrayed him—he refused to expose himself to the scorn of the world and his own contempt—he submitted to misery—he could not brook dishonour.

1807. His speech on the Catholic Question in 1813, which I have selected for publication, was considered at the time a master effort, and had the peculiar felicity not only of deciding many wavering, but of converting many hostile votes; and this, it must be admitted, deserves some note, under, as Lord Castlereagh would say, the "*existing circumstances*" of the present House of Commons. The specimens of his eloquence, however, to which I wish particularly to point the public attention are those fragments which I have culled from his speeches on the Union. If ever there were "thoughts that breathe and words that burn," they are to be found in those fragments, and will render his name immortal, not merely for the genius but for the indignant and inflexible integrity which they exhibit. At the time they were delivered, there was no bribe which would have been deemed too splendid to have purchased his acquiescence or even his silence; but his haughty spirit intimidated temptation, and he has not been without a better reward —his talents have made him independent, and the gratitude of his country ought to make him happy.

IRISH ELOQUENCE.

Speech of Mr. Plunket on the Catholic Question.

Mr. Speaker, I am induced to rise, at so early a period of the debate, for the purpose of obviating the mis-statement (certainly unintentional) of the expressions and sentiments of my right honourable friend Mr. Grattan, which has been made by the honourable gentleman who has last spoken.—My right honourable friend has not called Great Britain a foreign country: and, even if such an expression had accidentally been used by him, the uniform tenor of his opinions and of his language, in this house, might have suggested to the honourable member the propriety of abstaining from a verbal criticism upon it. My right honourable friend unites, to the enthusiasm of an Irish patriot, the comprehensive views of a statesman and a legislator; and his affection for his native country, to which his life has been devoted, has expanded into love of the general weal, and zeal for the glory of the empire. In every sentiment, which he has uttered, I most cordially concur. My right honourable friend has not been so absurd as to propose to re-enact the Bill of Rights and the Act of Settlement; but absurd and extravagant calumnies having, with no laudable industry, been propagated, as if the present motion were intended to invade the church, and to overturn the state, my right hon.

friend has placed, in the front of his resolution, a denial of the calumny.

The honourable gentleman has said there is nothing specific or intelligible in the motion or in the statement. The motion appears to me to be perfectly distinct, and perfectly intelligible. It proposes to remove all the civil disabilities, which affect a great portion of our fellow subjects, on account of their religion; offering, at the same time, to accompany the measure with every security, which may be required, for the protection of the Protestant interest. This seems not very difficult to comprehend; but I own I do not find it equally easy to ascertain the meaning of the honourable gentleman himself. In some part of his argument he relies on objections which, if they have any weight against the measure now, must always operate; in other parts, he insinuates as an opinion that the objections are only accidental or temporary. Why the honourable member voted for the measure, in the last parliament, and intends to oppose it in this, seems to require some further explanation than he has thought proper to afford. The intolerant declarations of the Pope, which he has referred to, were surely as strong an argument, at that time, as they are now! The honourable gentleman seems to have spoken with an anxiety to anticipate what is to be said by a right honourable friend of his, who is hereafter to express his opinions; and he has alluded to the proposal of some plan, which, he fears, will not be acceptable to the petitioners, but which he himself does not approve of; or, if he does, why he cannot agree to the going into a committee, for the purpose of considering it, the house are left to conjecture.

Much has been said of the question of right. It appears to me to be a very unnecessary metaphysical discussion, and one which cannot have any practical application in the present instance. In the same sense in which religious toleration

is a right, a due share of political power is a right; both must yield to the paramount interests of society, if such interests require it; neither can be justifiably withheld, unless their inconsistency, with the public interest, is clearly established. But in the present case the question does not, in any respect, arise; for we have already admitted the Roman Catholics to substantial power, and, what we seek to exclude them from, is honour. The privileges, which are withheld are impotent, as protections to the state, but most galling and provoking to the party who is excluded. No candid mind can hesitate to admit that the exclusions must be severely felt, as subjects of grievance, and of the most insulting kind. That the man of the first eminence, at the bar, should be prevented from acting as one of his majesty's counsel, or from sitting on the bench of justice; that the gallant officer, who has distinguished himself in the battles of his country, when his heart is beating high with the love of honourable fame, should be stopped in his career, and see his companions in arms raised above him, to lead his countrymen to victory and glory, must be felt as wounding and humiliating! In this house, does it require argument to shew that exclusion from parliament must be considered as a privation and indignity? What assembles us here? The honest ambition of serving our country? The pride of abiding by honourable engagements? or motives perhaps of a less elevated description? Whatever they may be, honourable and dignified, or otherwise, they subsist, in their minds, as much as in ours; and, though the elective franchise, which has been granted to the Irish Catholic, gives him a substantial representation, yet the exclusion is calculated to operate as a severe and humiliating disability; and the more humiliating, because it is a mark of inferiority, branded on the Catholic, merely for the purpose of marking that inferiority!

The topic that toleration admits of one consideration and

political power of another, has little application to this case, even if it were true, for here it must be contended that rank, and station, and honour, are not the proper appendages of wealth, and knowledge, and education, and of every thing, which constitutes political and moral strength! In every system of human policy the few must govern the many, but, putting military force out of the case, their legitimate government must arise from their superiority in wealth and knowledge; if, therefore, you exclude the wealthy and the educated from the government of the state, you throw into the scale of the many, the only weight which could have preserved the balance of the state itself. This is universally true, but when you reject the opulent and the educated, on account of a condition which they have, in common with the many, you add the attraction of politics and party to the operation of general and moral causes; and, if the principle of exclusion be a religious one, you organize, not merely the principles of revolution, but of revolution furious and interminable! Put the policy of the separation of political rank from property and education, in the extreme case of their total division, or in any intermediate degree, the conclusion is equally true, that the attempt, so to separate, establishes a principle, not of government, but of the dissolution of government! So sensible of this truth were our ancestors, that, when they saw, or thought they saw, a necessity for dishonouring the Roman Catholic, they adopted, as a necessary consequence, the policy of impoverishing and barbarizing him: when they degraded him, they felt that their only safety was to steep him in poverty and ignorance; their policy, good or bad, was consistent—the means had a diabolical fitness for their end. Is it not a perfect corollary to this proposition, is it not the legitimate converse of this truth, that, if you re-admit them to wealth and to knowledge, you must restore them to ambition and to honour? What have we

done? We have trod back their steps: we have rescued the Catholics from the code, which formed at once their servitude and our safety, and we fancy we can continue the exclusion, from civil station, which superinduced that code.—Theirs was a necessity, real or fancied, but a consistent system; we pretend no necessity; we have voluntarily abdicated the means of safety, and we wilfully and uselessly continue the causes of danger. The time to have paused, was before we heaved, from those sons of earth, the mountains, which the wisdom or the terrors of our ancestors had heaped upon them; but we have raised them up and placed them erect—are we prepared to hurl them down and bury them again? Where is the madman to propose it? Where is the idiot who imagines that they can remain as they are? The state of the Catholics of Ireland is, in this respect, unparalleled by any thing in ancient or modern history. They are not slaves, as some of their absurd advocates call them, but freemen, possessing substantially the same political rights with their Protestant brethren, and with all the other subjects of the empire: that is possessed of all the advantages, which can be derived from the best laws, administered in the best manner, of the most free and most highly civilized country in the world. Do you believe that such a body, possessed of such a station, can submit to contumely and exclusion? that they will stand behind your chair and wait upon you at the public banquet? the less valuable, in sordid computation, the privilege, the more marked the insult in refusing it, and the more honourable the anxiety for possessing it! Miserable and unworthy wretches must they be if they ceased to aspire to it; base and dangerous hypocrites if they dissembled their wishes; formidable instruments of domestic or foreign tyranny if they did not entertain them! The liberties of England would not, for half a century, remain proof against the contact and contagion of four

millions of opulent and powerful subjects, who disregarded the honours of the state, and felt utterly uninterested in the constitution.

In coming forward, therefore, with this claim of honourable ambition, they, at once, afford you the best pledge of their sincerity, and the most satisfactory evidence of their title. They claim the benefit of the ancient vital principle of the constitution, namely, that the honours of the state should be open to the talents and to the virtues of all its members. The adversaries of the measure invert the order of all civilized society. They have made the Catholics an aristocracy, and they would treat them as a mob; they give, to the lowest of the rabble, if he is a Protestant, what they refuse to the head of the peerage, if he is a Catholic. They shut out my Lord Fingal from the state, and they make his footman a member of it; and this strange confusion of all social order, they dignify with the name of the British constitution; and the proposal to consider the best and most conciliatory mode of correcting it, they cry down as a dangerous and presumptuous innovation.

Sir, the Catholics propose no innovation. They ask for an equal share, as fellow subjects, in the constitution, as they find it: in that constitution, in whose original stamina they had an undisputed right, before there was a reformation and before there was a revolution, and before the existence of the abuses, which induced the necessity of either. They desire to bear its burthens, to share its dangers, to participate its glory, and to abide its fate; they bring, as an offering, their hearts and hands, their lives and fortunes, but they desire also the privilege of bringing with them their consciences, their religion, and their honour, without which they would be worthless and dangerous associates.

The position, therefore, to be maintained, by those who say that the first principles of the constitution are in opposi-

tion to the claim, is rather a critical one. They must shew why it is that a Roman Catholic may vote for a member to sit in parliament, and yet may not himself be a member of it: why he may be the most powerful and wealthy subject in the realm, and the greatest landed proprietor, and yet may not fill the lowest office, in the meanest town upon his estates: why he may be the first advocate at the bar, and be incapable of acting as one of the counsel of his sovereign: why he may be elector, military officer, grand juror, corporator, magistrate, in Ireland, where the danger, if any, is immense, and why none of them, in England, where the causes of apprehension are comparatively trifling and insignificant. Besides all this, arguing, as they do, that their religion necessarily included hostility to the state, on the very points which, by the oaths which they have taken, are solemnly disavowed, they must shew the safety of harbouring, in the bosom of the state, and admitting to its essential and substantial benefits, a body of men whose only title to admission has been perjury; that is, a body of men who, in addition to religious opinions, inconsistent with our particular constitution, have violated the solemn obligations, which bind man to man, and therefore are unworthy of being admitted into any society, in which the sacred principles of social intercourse are respected. Sir, if these things are so, the petitions of the public should be, not to be protected against the dangers which are to come, but to be rescued from those, which have already been incurred! nay, more, if oaths are not regarded, we should not rely on the vain securities, which our ancestors have resorted to, and which consist of oaths, and only of oaths; but we should devise some new means of proving their religion, by the testimony of others, and chaining them down to it, without the possibility of disowning or escaping from it. But let us examine, somewhat more accurately, these supposed principles of

public policy, which oppose an insuperable bar to the admission of the Roman Catholic. They join issue on this point: so far as concession is inconsistent with the true principles of the constitution, the safety of the established church, and of the Protestant throne, they admit that they are entitled to nothing; so far as it is not inconsistent, they claim to be entitled to every thing. Let it be shewn that these great foundations of our liberties and of our civil and ecclesiastical polity are their enemies, and they must yield in silence. They must receive it as the doom of fate; it must be submitted to, as part of the mysterious system of Providence, which, whilst it has embarked us in an awful struggle for the preservation of its choicest blessings, has ordained that, in this struggle, we may not unite the hearts and affections of our people. We must cherish the hope that the same incomprehensible wisdom, which at once impels us to this mighty contest and forbids us to use the means of success, may work out our safety by methods of its own. If it can be made appear that the imperious interests of our country pronounce, from necessity, this heavy and immitigable sentence, upon millions of its subjects, I trust that they will learn submission, and not embitter their hopeless exclusion, by the miseries of discontent and of disorder; but, before they bow down to this eternal interdict, before they retire from the threshold of the constitution, to the gloom of hopeless and never ending exclusion, I appeal to every candid mind, are they not entitled to have it proved by arguments, clear as the light of heaven, that this necessity exists? I now challenge the investigation of those supposed maxims, step by step and inch by inch; let it be stated in some clear intelligible form, what is this fundamental prop of the constitution; what is this overwhelming ruin, which is to tumble upon us, by its removal. Let us meet and close upon this argument; but beware of the attempt to outlaw the Irish

people, by an artificial and interested clamour! Let not those, who have encouraged the Irish people to expect redress, now affect to be bound by this spell of their own raising! this would be to palter with their own consciences and the public safety, and can entail no consequences, other than calamity and disgrace.

The only obstacles, which appear to stand in the way of the Roman Catholics, are the Oath of Supremacy and the Declaration against Transubstantiation. The former of these, in its original enactment and application had a very limited political relation. I speak not of the capricious fury of Henry VIII. which made it treason to refuse the oath.—He considered himself, under God, the supreme head of the church, in all things spiritual and temporal; and bound the subject to submit to all his ordinances made, and to be made, under the penalty of death. But the application of the oath as it was modified by Elizabeth, had chiefly (and with the exception of offices immediately derived from the crown, or concerning the administration of justice) a religious, and not a political, application, subject to these exceptions, it professed not to controul the private opinion, nor to make it a ground of exclusion; but it subjected the public profession, or non-conformity, to penalty; and, accordingly, Roman Catholics were admissible to parliament and to corporate offices, for more than one hundred years after the introduction of the Oath of Supremacy. Then came the laws of Charles II. which, for the first time, superinduced general exclusion from office, as a political consequence of the religious opinion.

Here, then, were before us, two principles, the first, that of the Reformation, which proscribed the religion, the second, that of Charles II. which presumed that certain unconstitutional tenets must be held by those who professed that religion, and therefore made civil incapacity the conse-

quence of the religious belief. Here were two principles perfectly distinct, but perfectly consistent—now what have we done? We have, in fact, abrogated the principles of the reformation, for we have repealed the laws against recusancy, and legalized the religion; having done this, it was a necessary consequence to say that we could not infer, from a religious tenet which we legalized, a political opinion inconsistent with the safety of the state; otherwise we should have been unjustifiable in legalizing it; we therefore substituted instead of the renunciation of the religious doctrine, from which the political opinion had been formerly infered, a direct denial, upon oath, of the political opinion itself. If then the Roman Catholic may lawfully exercise the religion, and if he will take the political oath, how can we consistensly make the objection, either in a religious or political point of view, to his being admitted to the remaining privileges of citizenship? If there is any thing inconsistent with the true principles of our religion, in permitting the Catholic to enjoy civil offices, the authors of the reformation were deeply criminal in permitting him to enjoy them, while they denounced his religion; and we have been doubly traitors, to our religion and to our constitution, in sanctioning, by law, the free exercise of that religion; throwing away the religious test and substituting a political one in the place of it. If the political oath, either from its supposed insincerity, or from any other cause, is an insufficient substitute for the religious abjuration, how can we be justifiable in allowing it to give the Catholic admission to the high constitutional privileges which he now enjoys? if it is a sufficient substitute, we prevaricate with our own consciences, in refusing him admission, on the strength of it, to the remaining privileges which he requires—in direct violation of the policy which substituted the political oath, for the religious declaration, we now say that we require his declaration that

he does not hold the religious doctrine which implies the political. But he is ready to swear that he does hold the political doctrine, and still you prefer his declaration that he does not hold the opinion, which furnishes the presumption, to his oath that he does not hold the opinion, which is the thing presumed. Is not this a perfect proof that the political apprehension is a pretext, and that it is bigotry or something worse, which is the motive? Is not this also a full attestation of your perfect reliance on the honour and sincerity of the Catholic, as well as of your own intolerance? You will accept his word, as a proof that he has abjured his religious tenets, but you will not receive his oath as long as he abides by them. Is it that he is insincere in his oath? Then why trust his declaration? Has the oath a negative power? It is not merely that his oath is not binding, but, that which shall be full evidence, if he merely asserts it by implication, shall become utterly incredible if he swears to it directly. Why this is worse than transubstantiation; it is as gross a rebellion against the evidence of demonstration, as the other is against the testimony of sense. Again—the Oath of Supremacy extends to a renunciation, as well as of the spiritual, as of the temporal, authority of the Pope: and its object appears to have been two-fold: first, to exclude the interference of the Pope in the temporal concerns of the realm; and, secondly, to secure the Protestant hierarcy, against the claims of the sect which had been evicted: as to the first, the Roman Catholic tenders an oath, utterly denying the Pope's right to exercise any kind of temporal jurisdiction in these kingdoms; as to the second, he tenders an oath, abjuring all interference with the Protestant establishment and hierarchy. What then remains in difference? The right of the Pope with respect to *their* clergy; now to this the oath of supremacy never had any reference, nor could have had: their clergy were not recognized, as having any legal existence,

when the oath of supremacy was enacted, nor as the subject of any other regulation, than that of heavy punishment if they were discovered; this part of the oath merely looks to the preservation of the Protestant hierarchy, and all this is effectually provided for by the oath which is proffered. If the Catholic swears that he will not disturb or question the establishment, it would seem to concern us very little whether he admires or approves it, or what may be his abstract opinion of its fitness. We have already the effect of the oath of supremacy, so far as it concerns practical and conscientious submission, now, and at all times, and it is perfectly childish to say that we will not accept their present acquiescence, and their oath that they will continue to acquiesce, unless they also swear that they ought, as matter of abstract right, to do so; that is, they must not only submit to our title, but swear to our argument. I do not mean to say, that the mode of appointing their clergy and the Pope's interference with respect to it, is not a very important topic, and one which we are well warranted in looking to and regulating; but what I rely on is, that it is a new subject, resting on its own merits, and calling for and requiring a conciliatory adjustment, but, in no respect, involving any thing which affects the oath of supremacy, or the principles of the reformation.

As to the corporation act, every person acquainted with its history knows that it was introduced, not with an aspect to the Roman Catholics, but to sectaries of a very different description, who had got into the corporations during the government of Cromwell, and were supposed to be disaffected to the politics of the court. Part of the oath, as it was originally framed, was, that it was unlawful, under any pretence, to take up arms against the king, or those commissioned by him; and the amendment, which sought to qualify it by adding the word "lawfully," before commis-

sioned, was thrown out. One of the first acts of William and Mary was to repeal this scandalous and slavish enactment, which was at direct variance with the first principles of the revolution; and yet we are told, in patriotic petitions, from loyal Protestant bodies, that this corporation act was one of the great bulwarks of the revolution. This mutilated fragment, one half of which was lopped off by the revolution, is one of its pillars, and the test act is the other. Its history is known to every body—it was the child of my Lord Shaftesbury, who, on the score of religion, possessed a most philosophical composure, but had a very pious horror of the court, and levelled this act personally against the Duke of York; and, as the corporation act was the first offering of overflowing servility, brought in on the full tide of the restoration, so was the the test act the result of deep and bitter repentance, subsiding at its ebb; and yet these conflicting, partial, and temporary regulations, are dwelt on, as if they formed part of that great event, which we all consider as the foundation of our liberties. But I beg to ask, has the charter of our liberties become obsolete? If not, why are those mighty instruments hung up like rusty armour?—Does not every man know that they are endured only because they are not exercised? and that they are never mentioned, by any constitutional writer, without pleading their inactivity as the only apology for their existence! The taste and sense of the public is, in this respect, a reproach to the tardy liberality of the legislature.

Sir, a right honourable gentleman (Mr. Yorke), to whom I wish to allude with every possible degree of public and private respect, has desired that the bill of rights should be referred to; give me leave to ask, do you find in the bill of rights the principle of exclusion of Roman Catholics from the legislature, or from the state? It is required, no doubt, by the bill of rights, that the new oath of supremacy, thereby

substituted for the former one, should be taken by all who were bound to take the former one, but this is not introduced as one of the grievances redressed or rights declared, but is merely incidentally mentioned, in consequence of the substitution of the one oath for the other; and the declaration against popery is in no respect adverted to; but one fact, most decisive and important, on this point, is this, that when this act was passed, the Roman Catholics of Ireland were not, by any law or usage, excluded from parliament or from civil or military offices. The articles of Limerick (3d Oct. 1691), stipulated for all such privileges, in the exercise of religion, as were enjoyed in the reign of Charles II., and as were consistent with the laws of Ireland. They required the oath of *allegiance,* as created in the first year of William and Mary; and the oath to be administered to the Roman Catholics, submitting to his Majesty's Government, was to be that oath and no other; and it was further stipulated that, so soon as their affairs would permit them to summon a parliament, their majesties would endeavour to procure them such further securities as might preserve them from any disturbance, on account of their religion. At this time Roman Catholics were not excluded from parliament in Ireland, nor were there any test or corporation laws in force against them. On the faith of these articles, all of which were punctually performed on their part, they surrendered the town, and left King William at liberty to apply his arms to the great cause in which he was sustaining the liberties of Europe. The stipulation, on the part of government, was to protect them against any additional oaths, and to endeavour to procure for them additional securities. What *was* done? The act of the 3d of William and Mary was passed, giving them no additional securities, but excluding them, for the first time, from parliament and from offices civil and military, and from the bar, unless they subscribed the decla-

ration against popery, and swore the oath of supremacy. The stipulation, in the articles, had been, not for those in garrison, but that the Roman Catholics of Ireland should enjoy their privileges; for the garrison, they had stipulated for liberty to serve abroad, and to be conveyed accordingly. These victims of mistaken loyalty, when they were about to leave their native land, and with the characteristic generosity and improvidence of their country, to commit themselves, with the fortunes of a banished monarch, stipulated, not for themselves, but for the country they were about to leave for ever, and the parliament, by a cruel mockery, enacted, not for the country, but for them, that they should not lose the privileges of—what? of being barristers at law, clerks in chancery, attorneys, practitioners of law and physics, but that they might freely use the same!!!

Why, Sir, do I mention these historical facts? not for the purpose of raking up the embers of ancient animosities, but for the purpose of shewing that, in restoring the privileges of the Catholics, we are performing an act of justice, and vindicating the revolution from the stain of this act of perfidy—men who have forgotten every circumstance of that great event, which connects it with the cause of civil and religious freedom, affect to call this breach of faith and honour one of the sacred principles of our constitution. It is a miserable perversion of understanding, which can forget every thing sacred and animating, in that glorious struggle, which can fling away, as dross, the precious attestation which it bears to the just rights of the people, which would bury in eternal oblivion the awful lesson which it has taught to their rulers; but consecrates and embalms this single act of injustice, which disgraces it.

Sir, I am satisfied that the illustrious persons, who perfected the revolution, were not aware of the injustice done to Ireland; in the crowded events of that day the stipula-

tions might not have been fully known, and there have been at all times, a set of slaves ready, in this country, to defame and to defraud their native land, to traffic on the calamities of their countrymen. I will go further and suppose that the severe necessity of the times may have made it impossible to avoid an act of injustice,—but I will not therefore confound the deviation with the rule; I cannot trample on the principle and worship the exception.—It might as well be said that, to restore the Danish fleet, would be a violation of the laws of nature and of nations, because a deplorable necessity had compelled us to violate these laws by seizing it. I have, perhaps, dwelt too long on this part of the subject, but I felt anxious to meet the cry of this great charter of our freedom being at variance with the rights of the people. The great men of that day had deeply studied the laws and constitution of their country; with ardent feelings and sublime conceptions, they made no unnecessary breach on any ancient usage; no wanton encroachment of any rights of people or of king; not like our modern improvers, who hold for nothing the wisdom which has gone before them, and set up their own crude conceptions, with an utter contempt for all the sacred lore of their ancestors. They committed no rude outrage on those who had gone before them; they entailed no odious bondage on those who were to succeed them—with the modesty and simplicity which characterize great minds, they declared the essential rights of the constitution. They saw that the system of the reformation would be incomplete, unless the king, who was the temporal head of the church, should be in communion with that church; they therefore enacted that he should hold his crown only while he adhered to his religion. They declared the throne unalterably Protestant—they declared the religion of the state unalterably Protestant; and, having thus laid the firm foundation of civil and religious freedom, they left all other

considerations open to the progress of time, and to the wisdom of posterity.

That time has come and that posterity is now called upon to decide—we are fighting the same battle, in which the illustrious deliverer of these countries was engaged—we are defending the liberties of Europe and of the world, against the same unchangeable and insatiable ambition which then assailed them—we are engaged with an enemy, far more formidable than Louis the XIVth, whether we consider the vastness of his plans, the consummateness of his skill, his exhaustless resources, or his remorseless application of them —but if our dangers are aggravated, our means of safety are increased. William the IIId was obliged to watch, with a jealous eye, the movements of one half of his subjects, whilst he employed the energies of the other. We have it in our power to unite them all, by one great act of national justice. If we do not wantonly and obstinately fling away the means, which God's Providence has placed within our grasp, we may bring the energies of all our people, with one hand and heart, to strike against the common enemy.

Sir, there is a kind of circular reasoning which seems, at some public meetings, to pass for full proof. They say that this measure invades the constitution, because it endangers the church; and they say it endangers the church, because it invades the constitution. Sir, it is not sought to affect the church establishment — to take away its possessions, to degrade its rank, nor to touch its emoluments. Its doctrines and its discipline are not interfered with. This is no attempt to include the Catholic within the pale of the Protestant church, nor to give him any share in its establishment. What is meant by the cry? Is it that the measure will be *immediately injurious* to the church, or that it will *endanger* the church, by enabling the Catholics hereafter to overturn it? In the first point of view the only immediate effect it has, is

to open the honours of the state, to all other descriptions of subjects, as well as to those who profess the established religion: is it meant to be argued that the Protestant religion will be deserted, unless a temporal bonus is held out to those who adhere to it?—Do they mean to recruit, for the establishment, by a bounty from the state?—The supposition is too abhorrent from the spirit of Christianity, and too degrading to the dignity of the church.—Then as to danger—the overthrow of the Protestant establishment—how is this to be effected? In parliament or out of parliament? by force or by legislation? If by force how does the removal of civil disabilities enable them? Does it not make it much more unlikely that they should make the attempt? and, if they should make it, will not the removal of the real grievance deprive them of the co-operation of the moderate and the honest? If the latter, is it really apprehended that the number of members let in, would be strong enough to overrule the Protestants, and force a law to pull down the establishment? Would you have the returns much more favourable to the Catholics than they are at present? If the entire one hundred members were to be Catholics, could such a measure, in the range of human possibility, be successful, or could it seriously enter into the contemplation of any man in his senses? The apprehension, when it undergoes the test of close examination, is perfectly chimerical: these are not the fruits of the wholesome caution of statesmen, but the reveries of disordered brains. But if you reject this measure now, and postpone it to times of difficulty and danger, will the interests of the Protestant church be better guarded? Grant it now and you grant it as a matter of grace, to which you may annex every fair and reasonable condition; but if you find it necessary to resort to it in some hour of dismay and adversity, when the storm is blowing and the public institutions are rocking and toppling, will the establishment be per-

fectly secure? Again, if you grant it now, you give it to a class, as much inferior in property, as they are superior in numbers. Now it is a truth, as certain as any in political economy, that, at no very distant period, the wealth of the country must become diffused, pretty nearly in proportion to its relative population; will the Protestants of Ireland thank you for deferring the adjustment of this question until it shall be demanded by people, having as great an ascendancy in wealth as in population? Sir, these are serious practical considerations, and the clergy of this country would do well to weigh them and to reflect upon them. These are questions much more of policy than of religion, and it is not without deep regret that I see any portion of that respectable body interpose themselves between the wisdom of the legislature and the temporal interests of the subject, with such a tone and such a manner as some of them have assumed on this occasion. If the interests of religion or the rights of their order are at stake, they are entitled to come forward as a body—even if the matter is merely political, they are entitled to come forward as individuals; but, that any of them should adopt the present tone of unqualified remonstrance, because the Commons of England propose to consider the political claims of their fellow Christians and fellow subjects, with a view to a final and amicable adjustment, does not seem calculated to advance the real interests of religion.

Sir, religion is degraded when it is brandished as a political weapon, and there is no medium in the use of it: either it is justified, by holy zeal and fervent piety, or the appeal to it becomes liable to the most suspicious imputation. Sir, I consider the safety of the state as essentially interwoven with the integrity of the establishment. The established religion is the child of freedom. The reformation grew out of the free spirit of bold investigation: in its turn it repaid the obligation, with more than filial gratitude, and contributed,

with all its force, to raise the fabric of our liberties. Our civil and religious liberties would each of them lose much of their security, if they were not so deeply indented each with the other. The church need not be apprehensive. It is a plant of the growth of three hundred years; it has struck its roots into the centre of the state, and nothing, short of a political earthquake, can overturn it: while the state is safe it must be so; but let it not be forgotten that, if the state is endangered, it cannot be secure. The church is protected by the purity of its doctrines and its discipline; the learning and the piety of its ministers; their exemplary discharge of every moral and christian duty; the dignity of its hierarchy, the extent and lustre of its possessions, and the reverence of the public, for its ancient and unquestioned rights; to these the Catholic adds the mite of his oath that he does not harbour the chimerical hope, or the unconstitutional wish, to shake or to disturb it; and therefore, all which is requisite, for the security of the church, is that it should remain, in repose, on its own deep and immoveable foundations; and this is the policy which the great body of the church of Ireland, and, I believe I may add, of the church of England, have adopted. If any thing could endanger its safety, it would be the conduct of intemperate and officious men, who would erect the church into a political arbiter, to prescribe rules of imperial policy to the throne and to the legislature.

Sir, a reason assigned by the honourable member, who last spoke, for his change of opinion is, that the sense of the people of England is against the measure. 'Supposing, for a moment, that the fact were so, to a much greater extent than it really is, would it afford a fair argument for precluding an enquiry and adjustment? I consider it, under any circumstances, an invidious and dangerous topic, to cite the opinion of the people of one part of the empire, against the claims of the people of another part of it; but to cite it as an argu-

ment against the full discussion of their claims, seems utterly unwarrantable. But, when it is recollected that the union was urged upon the Catholics of Ireland, under the strong expectation that facilities would be consequently afforded to the accomplishment of their wishes, is it not something very like dishonesty, to press into the service, against their claims, the opinion of the people of England, and its authority with an English parliament? If this question were now under discussion, in an Irish parliament, granted to be in itself just and expedient, called for by all the Catholics and by a great majority of the Protestants of Ireland, would it be endured, as an argument, that the cry of the people of England was against it? You have taken away that parliament, under the assurance that, in a British parliament, that might be safely done, which, in an Irish parliament, might be difficult or dangerous, and now you say, 'true, the measure is right, but the difficulty grows from its being discussed in an English parliament, because such a parliament must defer to the prejudices of the English, at the expence of the rights of the Irish people.' It may be said that the people of England are no parties to such a compact; but I would appeal to the noble lord, who, if he did not guarantee it as a compact, was at least a very principal mover in holding it out as an inducement, whether he can countenance such a topic: or can he link himself with those who have, by every indirect method, endeavoured to excite the people of England, in order to fabricate the argument?

Sir, the opinion of the people is undoubtedly entitled to a respectful attention; it is to be listened to—to be canvassed, and, if sound and reasonable, to be deferred to; but the clamour of the people of either country is not to silence the deliberations of parliament, still less the opinion of a partial and very limited portion of that people; still less an opinion founded on imperfect views; still less an opinion

founded upon gross prejudices, excited and kindled by artful and interested misrepresentation, and for the very purpose of preventing fair discussion. The opinion of the people, of both countries, is to be looked to, and the reasonable foundations of the opinions of both; and, in so doing, it is always to be recollected, that the sentiments of the Catholics are not to be the less regarded on account of their being principally condemned in one part of the United Kingdom; but if, either from prudence or affection, they would be respected if interspersed through the counties of Great Britain, they are not the less entitled to attention, because they constitute four-fifths of the most vulnerable, and not least productive portion, of the empire. The question, it is true, is an imperial one: why? Because Ireland is identified with your interest and happiness, and glory; her interests are yours, and therefore Irish policy is imperial policy; but it seems rather inconsistent to take cognizance of the question, on the supposition that the interests of the two countries are absolutely the same; and to decide it upon the principle that the rights of the one are essentially and unalterably opposed to the wishes and to the safety of the other. But, Sir, I utterly deny the fact, that such is the sentiment of the people of England,—a pretty bold experiment has been made, and it has failed. The intelligent class of the English public, those who, from property and from education, and from place in society, are entitled to sway the opinion of the legislature on this, or on any political subject, are, I firmly believe, friendly to a full discussion of the Catholic claims, and with a strong leaning in favour of liberality and concession, if they can be made appear consistent with public safety. This is a tribunal to which an appeal may be fairly made, and to which adequate and ample satisfaction should be given; and there is no concession or sacrifice, not inconsistent with the essential principles of their religion, which

the Catholics are not bound to make for the purpose. But, sir, beyond this public, and to the dregs of the community I fear there are some desperate enough to look; I have heard something like a muttered threat of such an appeal; but I do not believe, though there is much valour at present on this subject, that we need fear a repetition of the outrages of St. George's Fields; I do not fear that our ears will be again assailed by the hell shout of "no popery." I have heard something more than an insinuation, within these walls, that this is a question in which the lower classes of the people are very deeply interested, and that their voice is, on this occasion, to be particularly attended to. Sir, the doctrine is rather novel in the quarter from which it proceeds, nor am I disposed to give it an unqualified denial. I should be sorry to contend, that the voice of any portion of our fellow subjects, however humble, should be disregarded; if they complain of grievances by which they are oppressed, of justice withheld, or of any thing trenching upon their freedom or their comforts, they are to be heard with patient and with deep attention; and the more humble the situation of the complainants, the more bounden the duty of the representative to listen to them; but, on a subject like the present, where the legislature is called on to withhold the privileges of the constitution from a great proportion of the people, upon supposed principles of state government; when claims of common right are withheld, in deference to sacred and mysterious maxims of imperial policy; on such a subject, I say it is something more than absurdity to affect a deference for the shouts of the lower orders of the people. Sir, the apprehension of such an appeal being resorted to, need not affect our deliberations; those who intimate such an intention know full well that, though the threat may be endured, the times would not bear the execution of it; they know full well that, if parliament determines to pursue its

steady course of calm investigation and liberal adjustment, there is no faction in the state, which can effectually interpose between the sovereign authority of the legislature and the just demands of the people.

Sir, the conduct of the Roman Catholics of Ireland has been resorted to, as an argument for abandoning the pledge of the last session. Sir, I am not the advocate of their intemperance; I am free to say that there have been some proceedings, on the part of the public bodies, who affect to act for them, altogether unjustifiable. Their attempts to dictate to the entire body how they are to act on each particular political occurrence, their presuming to hold an inquisition on the conduct of individuals, in the exercise of their elective franchise, and putting them under the ban of their displeasure, because they vote for their private friends, and abide by their plighted engagements; all this is a degree of inquisitorial authority unexampled and insufferable; and this, by persons professing themselves the advocates of unbounded freedom and unlimited toleration, at the moment when they are extending their unparlying tyranny into the domestic arrangements of every Catholic family in the country. Sir, I am equally disgusted with the tone of unqualified demand, and haughty rejection of all condition or accommodation, so confidently announced by them; nor can I palliate the intemperance of many of their public speeches, nor the exaggeration and violence of some of their printed publications. To this tone I never wish to see the legislature yield; but, as this indecent clamour is not to compel them to yield what is unreasonable, I trust it will not influence them to withhold what is just.

Sir, it appears to me most unfair to visit, on the Roman Catholic, the opinions and the conduct of such public assemblies as profess to act for them; if they labour under a real and a continuing grievance, and one which justifies, on their

part, a continued claim, they must act through the medium of popular assemblies, and must, of course, be exposed to all the inconveniences which attend discussion in assemblies. In all such places, we know that unbounded applause attends the man who occupies the extreme positions of opinion, and that the extravagance of his expression of such opinion will not be calculated to diminish it. That there may be many individuals, anxious to promote their own consequence, at the expence of the party whose interest they profess to advocate, is an evil inseparable from such a state of things; and, amongst those who sincerely wish to promote the interests of the cause, much may fairly be attributed to the heat naturally generated by long continued opposition; much to effects of disappointed hope; much to the resentment, excited and justified by insolent and virulent opposition. But, sir, I should unworthily shrink from my duty, if I were not to avow my opinion, that the unfortunate *state* of the public mind in Ireland is, above all things, imputable to the conduct of the government. Without recurring, unnecessarily, to subjects which have been already discussed in this house, I may be allowed to say that the rash interference with the right of petitioning, has given deep and just offence to the entire Catholic body. They have been compelled to rally round their constitutional privileges, and make common cause; those excesses, which two years since, would have been eagerly repressed by the Catholics themselves, might now, I fear, be regarded with some degree of favourable allowance on their part.

Sir, I must say that the country has not been fairly dealt with on this subject. It is the bounden duty of the government to make up their mind, and to act a consistent part. If this measure is utterly inadmissible, expectation should be put down by the certainty of rejection; resentment should be allayed by the clear exposition of the necessity which

bars; the fever of the public mind should be subdued, and all the means of conciliation, consistent with such a system, should be resorted to. If, on the other hand, this claim may and ought to be acted on, it should be frankly received and honestly forwarded; every facility for its accomplishment should be afforded, by tempering and directing the proceedings of those who seek it; by suggesting the conditions and terms on which it should be granted; and by arranging the details, as well as planning the outlines, of such a system. But how can any honest mind be reconciled to the ambiguity, in which the cabinet has concealed itself from public view, on this great national question,—or with what justice can they complain of the madness, which grows out of this fever of their own creating. This is not one of those questions which may be left to time and chance; the exclusion of these millions from the rights of citizenship, is either a flagrant injustice, or its necessity springs out of the sacred fountains of the constitution. This is no subject of compromise. Either the claim is forbidden, by some imperious principle too sacred to be tampered with, or it is enjoined by a law of reason and justice, which it is oppression to resist. In ordinary cases it sounds well to say that a question is left to the unbiassed sense of parliament and people; but, that a measure of vital importance, and which has been again and again discussed by all his majesty's ministers, should be left to work its own course, and suffered to drift along the tide of parliamentary or popular opinion, seems difficult to understand,—that government should be mere spectators of such a process is novel; but, when it is known that they have all considered it deeply, and formed their opinions decidedly in direct opposition to each other, that, after this, they should consult in the same cabinet, and sit on the same bench, professing a decided opinion in point of theory, and a strict neutrality in point of practice; that, on

this most angry of all questions, they should suffer the population of the country to be committed in mutual hostility, and convulsed with mutual rancour, aggravated by the uncertainty of the event; producing, on the one side, all the fury of disappointed hope, on the other side, malignity and hatred, from the apprehension that the measure may be carried, and insolence from every circumstance, public or private, which tends to disappoint or to postpone it; one half of the king's ministers encouraging them to seek, without enabling them to obtain,—the other half subdivided; some holding out an ambiguous hope, others announcing a never ending despair. I ask, is this a state in which the government of the country has a *right* to leave it? Some masterpiece of imperial policy must be unfolded, some deep and sacred principle of empire, something far removed from the suspicion of unworthy compromise of principle for power, to reconcile the feelings of the intelligent public, or to uphold a rational confidence in the honesty or seriousness of the government. Sir, the consequences of such conduct are disastrous, not merely in the tumult and discord which, in this particular instance, they are calculated to excite, but in their effect upon the character of the government and the times. Sir, I repeat it, the Irish Catholics have not been fairly dealt with; the government has not, in any instance, come into amicable contact with them; it has not consulted, nor soothed, nor directed them; it has addressed them only in the stern voice of the law, in state prosecution, and it is most unjust to charge against them the anger, which has been kindled by such treatment: but, Sir, I ask what have the Catholics *done*? Look to their actions for the last century, and do not judge them by a few intemperate expressions or absurd publications,—these are not the views of statesmen, —you are considering the policy of centuries, and the fate of a people, and will you condescend to argue, on such a

subject, the merits of a pamphlet, or to scan the indiscretions of an angry speaker at a public meeting? Of this I am sure that, if the violence, with which the demand has been urged, by some of its advocates, is to create a prejudice against it, the virulence, with which it has been rejected, by some of its opponents, ought to be allowed to have some operation in its favour; perhaps under these opposite impulses of passion, a chance may be afforded of reason having fair play; and a hearing may be procured for the merits of the case. This too should not be lost sight of, that the Catholics are seeking their rights; that they are opposed by an adverse government, many of whom declare that no concession, on their part, could be effectual, but that their doom is interminable exclusion. May I ask, whether it is fair to require, or reasonable to expect, that the Catholics should, under such circumstances, exercise a fastidious delicacy, in the selection of their friends; and say to those, who profess themselves their advocates, "We refuse your aid, your language is not sufficiently measured; you urge our demands in too warm and too unqualified a tone, and we prefer the chances, which may arise, from throwing ourselves on the mercy of our enemies."

Sir, I will not affect to disguise the fact, that there are persons in Ireland, who look to revolution and separation. I certainly do not mean to say, nor do I believe, that those, whose warmth of expression has been so much, and so justly, complained of, are, in the most remote degree, liable to the suspicion of being joined with such a party. The separatists are, in my judgment, neither numerous, nor, in themselves, formidable; and, of this I am sure, that they tremble at the prospect of the adjustment of the Catholic claims, as a measure deadly to their views. Is it a wise policy, is it a course, which any government can justify to the country, to recruit for these public enemies, by endeavouring to embody the legitimate claims of the Catholics with *their* wild and perni-

cious projects? Is it not madness to oppose the same blind and indiscriminate resistance to the honest objects of the great untainted landed and commercial interests of the Catholic people, and to affect to confound them, in a common cause, with those miserable enemies of public freedom and safety? Sir, if I am asked what course, in my opinion, should be pursued, in this momentous business, I cannot answer without doubt and distrust, in my own judgment, where I may differ from many, whose opinion I highly respect; but it is fair to say that the opinion, which I have always entertained, and always expressed, publicly and privately, on this subject, is, that this measure cannot be finally and satisfactorily adjusted, unless some arrangement shall be made, with respect to the Roman Catholic clergy, and some security afforded to the state, against foreign interference. On the best consideration, I have been able to give the subject, and on the fullest communication, I have been able to obtain on it, I am satisfied that such security may be afforded, without interfering, in any degree, with the essentials of their religion; and, if so, the mere circumstance of its being required, is a sufficient reason for conceding it. This is not a struggle for the triumph of one party of the state over another; it is a great national sacrifice of mutual prejudices, for the common good; and any opportunity of gratifying the Protestant mind should be eagerly seized by the Catholic, even if the condition required, were uncalled for by any real or well founded apprehension; but I must go a step further, and avow, that the state has, in my opinion, a right to require some fair security against foreign influence in its domestic concerns. What this security may be, provided it shall be effectual, ought, as I conceive, to be left to the option of the Catholic body. I am little solicitous about the form, so that the substance is attained. As a veto has been objected to, let it not be required; but let the security be afforded, either

by domestic nomination of the clergy, or in any shape or form, which shall exclude the practical effect of foreign interference. Let them be liberally provided for by the state, let them be natives of the country and educated in the country, and let the full and plenary exercise of spiritual authority by the Pope, which forms an essential part of their religious discipline, remain in all its force; leave to their choice the mode of reconciling these principles, and stand not upon the manner, if the thing is done. An honourable gentleman asks, will this satisfy the Catholics? I will not be so indiscreet as to answer for what *will* satisfy them;—I believe it will; but it is enough for me to know that this ought to satisfy them; and of this we may be convinced, that we do not enable them to obtain what they ought not, by granting them what they ought, to have: but what is the use, it is asked, of a measure, proposed, as an instrument of peace, if it is likely, on the contrary, to produce nothing but dissatisfaction? I answer, first, I believe, it will produce full satisfaction, if frankly proposed, and honestly acted on; but if you doubt of this, do not make your proceeding an absolute and a final one,—reserve the operation of the act, which grants relief, (if you think it necessary) until the accompanying measure of security shall be ripened, so as to ensure satisfaction in their enactment;—declare your principles of security, and your conditions, and let the operation of your law, or the effect of your resolution, await the desire of the Catholic body, signified, or fairly understood, with respect to them. Pursue this course, put this measure into the hands of those, in whom the Catholics can place confidence, or give them such a parliamentary pledge, that they may see that the accomplishment of their wishes is dependant on their own good sense and moderation; and, I have no doubt, they will not be wanting to contribute their part, to this great national work of strength and union,—in all events you will

have discharged your duty; you will have given satisfaction to the honest, and to the reasonable. You will have separated the sound from the unsound, and you will leave the bigot or the incendiary, stripped of all his terrors, by depriving him of all his grievances.—Sir, I have done. I may be in error; but I have not sacrificed to interest or to prejudice, and I have spoken my sentiments in the sincerity of my heart.

AN HISTORICAL SKETCH OF THE CIRCUMSTANCES UNDER WHICH THE IRISH GOVERNMENT FIRST SUBMITTED THE PRINCIPLE OF A LEGISLATIVE UNION TO THE IRISH PARLIAMENT, WHO THEN REJECTED IT.

IN the summer of 1798, Lord Cornwallis arrived in this country, a man of high character and great military fame, not for the purpose of repelling invasion, not for the purpose of subduing rebellion, but to apply all his character and all his powers to the achievement of a political purpose. I will not dwell on the glories of his military campaign—I mean him no personal disrespect—but this I must observe, that, whilst the military Lord Lieutenant was in the field with an army of 60,000 men to support him, history will have it to record, that we are indebted to a gallant Irishman, at the head of about 800 native troops, for having withstood the enemy, and prevented the capital of Ireland from being entered in triumph by a body of not one thousand Frenchmen. I do not wish to enquire too minutely, why the embers of an extinguished rebellion have been so long suffered to exist—I do not wish to derogate from the praise to which the noble lord may be entitled for his clemency; its very excesses, if

they do not claim praise, are at least entitled to indulgence —but when I see that all the rays of mercy and forbearance are reserved to gild the brow of the viceroy, and that all the odium of harshness and severity is flung upon the parliament—when I see the clemency of the chief governor throwing his mantle over the midnight murderer—when I see it holding parley with the armed rebel in the field—and when I see the task of making war against the victim in his grave and the infant in his cradle, thrown by the same government upon the parliament, I cannot avoid suspecting that there is something more than the mere milk of human kindness in the forbearance on the one part, and something more than mere political caution in the severities of the other. But, sir, this rebellion was subdued by the parliament and people of Ireland; and before the country had a breathing time, before the loyalist had time to rest from his labours—before the traitor had received his punishment or his pardon, whilst we were all stunned by the stupendous events which had scarcely passed—whilst something little short of horror for all political projects had seized the mind of every man—whilst the ground was yet smoking with the blood of an O'Neill and of a Mountjoy—the wicked conspiracy was announced which was to rob their country of its liberties, and their minor children of their birth-right. — With a suspended Habeas Corpus Act, with military tribunal in every county, the overwhelming and irretrievable measure of Union was announced for the free, enlightened, and calm discussion of an Irish parliament, and, with all these engines of terror still suspended over their heads, it is again submitted to them. How was it brought forward?—A hireling of the Castle employed to traduce parliament and insult the country—hopes held out to the Catholic that he should be established if he adopted—threats to the Protestant that he should be annihilated if he rejected—the constitution of

1782 openly treated as a system of force on our part, and of compulsion on the part of England, and the right to resume it openly asserted. Whilst this impolitic insult was circulated through the country by the authority of government, the Lord Lieutenant sent to some of the principal gentlemen, merely to request their attention to the subject; but at the same time to assure them, that he did not wish it to be carried, unless by the uninfluenced opinion of the wealth, and sense and loyalty of the country. What was the first parliamentary step?—The Chancellor of the Exchequer and Prime Serjeant turned out of office, because they ventured to declare an opinion against it. The measure then brought forward without hinting at the opinion of the people, but on the contrary, asserting the full competence of the parliament to decide without them. An insidious speech prepared by the minister and delivered from the throne, affecting to advise merely general strengthening of the empire, but which the secretary was compelled to avow meant Union, and Union only.—What followed?—The measure was justified by the noble secretary on account of the poverty and wretchedness of Ireland, and the necessity of separation flowing from the constitution of 1782. The principle of influence which had been exerted was justified, and the intention fairly avowed of following it up to the full extent of the prerogative,—the question was discussed for two days in all its relations, the principle examined, and the details supposed the most favourable which possibly could be granted to Ireland; and after that full discussion, in despite of the calamities and terrors of the times, in despite of the surprise with which it was brought on, in despite of the influence exercised and avowed, the preliminary principle was rejected by a majority not only not acting under any corrupt influence, but against all corrupt influence.

On the importance of Religion to a Nation.

WHAT may be the form of the religion of the several classes of the people I care not to enquire. If the principles of christianity prevail—if a conviction of the existence of a future state, in which rewards and punishments are distributed, be kept alive in the minds of the people, they will never become instruments for the commission of abominable crimes. But if these sentiments be extinguished—if they shall be taught to cast off all regard for a future world, the ties which bind them to earth as well as to heaven are rent asunder. We have had a miserable example of this in our own time. You may recollect that, not many years back, in a neighbouring country, the most dreadful atrocities were committed; you recollect the overthrow of an ancient monarchy—that overthrow, deplorable as it was, was not the most dismal scene of the tragedy. The horrors of that unfortunate revolution, in which the hands of the father were imbrued in the blood of the son—in which all moral and social relations were raised in mutual warfare, could not be perpetrated until the sentiments of religion were previously extinguished in the minds of the people. Human nature was not outraged by gross and unexampled crimes, until a solemn decree was framed, declaring that there was no God in heaven! What the consequences were every man knows. But this I state, that as soon as a settled form of government was established, it was found that atheism and infidelity, which were the ready instruments to throw down an ancient throne, were an insecure foundation for a new one; and one of the first acts of the founder of the new dynasty was to restore the consolations of religion to his thirsty and supplicating subjects.

On the absurdity of supposing that the Connexions between England and Ireland could be endangered by the clashing of their respective Parliaments.

I ASK the minister further, what is there in his theory of equal value to the proof from experience, that a common king and separate parliaments produce a good practical system of liberty and connexion? The two parliaments may clash! So in Great Britain may king and parliament; but we see they never do so injuriously. There are principles of repulsion! yes; but there are principles of attraction, and from these the enlightened statesman extracts the principle by which the countries are to be harmoniously governed. As soon would I listen to the shallow observer of nature, who should say there is a centrifugal force impressed on our globe, and therefore, lest we should be hurried into the void of space, we ought to rush into the centre to be consumed there.—No—I say to this rash arrainger of the dispensations of the Almighty, there are impulses from whose wholesome opposition eternal wisdom has declared the law by which we revolve in our proper sphere, and at our proper distance. So I say to the political visionary,—from the opposite forces which you object to, I see the wholesome law of imperial connexion derived—I see the two countries preserving their due distance from each other, generating and imparting heat, and light, and life, and health, and vigour; and I will abide by the wisdom and experience of the ages which are passed, in preference to the speculations of any modern philosopher.

Extravagance of the Surrender required from Ireland by England, deduced from their relative local Situation.

THIS is, indeed, under all its circumstances, the most extravagant demand ever made by one nation from another. Ireland, a happy little island, with a population of between four and five millions of people—hardy, gallant, and enthusiastic—possessed of all the means of civilization—agriculture and commerce well pursued and understood—laws well arranged and administered—a constitution fully recognised and established; her revenues, her trade, her manufactures thriving beyond the hope or example of any other country of her extent, within these few years advancing with a rapidity astonishing even to herself; not complaining of her deficiency in any of these respects, but enjoying and acknowledging her prosperity, is called upon to surrender them all to the controul of whom? To a great and powerful continent, to whom nature intended her as an appendage? To a mighty people, totally exceeding her in all calculation of territory and population? No,—but to another happy little island, placed beside her in the bosom of the atlantic, of little more than double her territory and population, and possessing resources not nearly so superior to her wants; and this too an island, which has grown great and prosperous, and happy, by the very same advantages which Ireland enjoys—a free and independant constitution, and the protection of a domestic superintendant parliament. The wealth and power

and dignity of Great Britain, (in which no man rejoices more sincerely than I do) are the most irresistible arguments against an union—a little clod of earth, by the enjoyment of freedom, has generated strength and wealth, and majesty; she has reared her head above the waters, and has dictated to the unwieldy lethargic despotisms, and to the unripened servile dependencies of Europe.

MR. PLUNKET'S OPINION IN 1800; ON THE TERMS ON WHICH IRELAND SHOULD *then* HOLD BRITISH CONNEXION.

FOR the present constitution I am ready to make any sacrifice—I have proved it. For British connexion I am ready to lay down my life—my actions have proved it—why have I done so? Because I consider that connexion essential to the freedom of Ireland; do not therefore tear asunder to oppose to each other these principles which are identified in the minds of loyal Irishmen—for me, I do not hesitate to declare, that if the madness of the revolutionist should tell me you must sacrifice British connexion, I would adhere to that connexion in preference to the independence of my country; but I have as little hesitation in saying, that if the wanton ambition of a minister should assault the freedom of Ireland and compel me to the alternative, I would fling the connexion to the winds, and I would clasp the independence of my country to my heart. I trust the virtue and wisdom of the Irish parliament and people will prevent that dreadful alternative from arising—if it should come, be the guilt of it on the heads of those who make it necessary.

Difference in the requisites for good or evil.

SIR, I confess I did at one time rejoice in the appointment of the noble lord,* to the administration of this country. When I perceived that wicked and destructive measures were in agitation, I rejoiced that an impotent and incapable instrument was selected for their execution: but I have ceased to entertain that feeling, because, though I am as well convinced as I am of my own existence that he never can accomplish his measure, I see by woeful experience that he may do infinite mischief in attempting it. Sir, there are no talents too mean—there are no powers too low for the accomplishment of mischief—it is the condition of our nature—it is part of the mysterious and inscrutable dispensation of Providence, that talent, and virtue, and wisdom, are necessary for the achievement of great good; but there is no capacity so vile or so wretched as not to be adequate to the perpetration of evil.

Comparison between Mr. Pitt and Lord Castlereagh.

THE example of the prime minister of England, inimitable in its vices, may deceive the noble lord. The minister of England has his faults; he abandoned in his latter years the

* Castlereagh.

principles of reform, by professing which he had obtained the early confidence of the people of England, and in the whole of his political conduct he has shown himself haughty and intractable; but it must be admitted that he has shown himself by nature endowed with a towering and transcendant intellect, and that the vastness of his moral resources keeps pace with the magnificence and unboundedness of his projects. I thank God, that it is much more easy for him to transfer his apostacy and his insolence, than his comprehension and sagacity; and I feel the safety of my country in the wretched feebleness of her enemy. I cannot fear that the constitution which has been formed by the wisdom of sages, and cemented by the blood of patriots and of heroes, is to be smitten to its centre by such a green and limber twig as this.

A Description of the Preparations made by the Irish Government after their first Defeat, to secure the Success of a subsequent Attempt to carry the Union.

THE public will not easily forget that memorable day, when the usher of the black rod was stationed within the doors of the commons, to watch the instant at which the house assembled. The public will not easily forget the indecent precipitation with which the message from the throne was delivered, without allowing time even for the ordinary vote of thanks to you, Sir, for your conduct in that chair.—They will not easily forget, not the absence, but the disgraceful flight, of the minister of the country, to avoid the exposure and the punishment of guilt. When the functions

of this house were thus superseded, his excellency, for the first time, thought proper to inform them of the resolutions of the British parliament; and he was further pleased to insinuate, that it would be a great satisfaction to him in his old age, if we would be so good as to adopt this measure of an incorporating union. I must for one beg to be excused from making quite so great a sacrifice, frome mere personal civility, to any lord-lieutenant, however respectable he may be. The independence of a nation; I must own, does not appear to me to be exactly that kind of bagatelle, which is to be offered by way of compliment, either to the youth of the noble lord who honours us by his presence in this house, or to the old age of the noble marquis, who occasionally sheds his setting lustre over the other; to the first I am disposed to say, in the words of Waller—

"I pray thee, gentle boy,
"Press me no more for that slight toy"—

and to the latter, I might apply the language of lady Constance—

"That's a good child—go to its grandam—give grandam kingdom—and its grandam will give it a plumb; a cherry, and a fig—there's a good grandam"—

I hope, therefore, Sir, I shall not be thought impolite, if I decline the offer of the constitution of Ireland, either as a garland to adorn the youthful brow of the secretary, or to be suspended over the pillow of the viceroy.

Thus ended that never-to-be-forgotten session. What has since been done? During the whole interval between the sessions, the same bare-faced system of parliamentary corruption has been pursued—dismissals, promotions, threats, promises—in despite of all this, the minister feared he could not succeed in parliament, and he affected to appeal

to what he had before despised, the sentiment of the people. When he was confident of a majority, the people were to be heard only through the constitutional medium of their representatives; when he was driven out of parliament, the sense of the people became every thing. Bribes were promised to the catholic clergy—bribes were promised to the presbyterian clergy—I trust they have been generally spurned with the contempt they merited. The noble lord understands but badly the genius of the religion in which he was educated—you held out hopes to the catholic body, which were never intended to be gratified; regardless of the disappointment, and indignation, and eventual rebellion, which you might kindle—regardless of every thing, provided the present paltry little object were obtained—in the same breath you held out professions to the protestant, equally delusive; and having thus prepared the way, the representative of majesty set out on his mission, to court his sovereign, the majesty of the people. It is painful to dwell on that disgraceful expedition—no place too obscure to be visited—no rank too low to be courted—no threat too vile to be refrained from—the counties not sought to be legally convened by their sheriffs—no attempt to collect the unbiassed suffrage of the intelligent and independent part of the community—public addresses sought for from petty villages—and private signatures smuggled from public counties—and how procured? By the influence of absentee landlords; not over the affections, but over the terrors, of their tenantry, by griping agents and revenue officers—and after all this mummery had been exhausted, after the lustre of royalty had been tarnished by this vulgar intercourse with the lowest of the rabble, after every spot had been selected where a paltry address could be procured, and every place avoided, where a manly sentiment could be encountered, after abusing the names of the dead, and forging the signatures of the living,

after polling the inhabitant of the gaol and calling out against the parliament the suffrages of those who dare not come in to sign them till they had got their protections in their pocket, after employing the revenue officer to threaten the publican that he should be marked as a victim, and the agent to terrify the shivering tenant with the prospect of his turf-bog being withheld, if he did not sign your addresses, after employing your military commanders, the uncontrolled arbiters of life and death, to hunt the rabble against the constituted authorities, after squeezing the lowest dregs of a population of near five millions, you obtained about five thousand signatures, three fourths of whom affixed their names in surprize, terror, or total ignorance of the subject; and after all this canvass of the people, and after all this corruption wasted on the parliament, and after all your boasting that you must carry the measure, by a triumphant majority, you do not dare to announce the subject in the speech from the throne. You talk of respect for our gracious sovereign—I ask what can be a more gross disrespect than this tampering with the royal name—pledged to the English parliament to bring the measure before us at a proper opportunity—holding it out to us at the close of the last session, and not daring to hint it at the beginning of this. —Is it not notorious why you do not bring forward the measure now? Because the fruits of your corruption have not yet blossomed, because you did not dare hazard the debate last session, in order to fill up the vacancies which the places bestowed by you, avowedly for this question, had occasioned, and because you have employed the interval in the same sordid traffic, and because you have a band of disinterested patriots waiting to come in and complete the enlightened majority, who are to vote away the liberties of Ireland.

On the Competency of the Irish Parliament to pass the Measure of Union.

SIR, I, in the most express terms, deny the competency of parliament to do this act. I warn you, do not dare to lay your hand on the constitution.—I tell you, that, if, circumstanced as you are, you pass this act, it will be a nullity, and that no man in Ireland will be bound to obey it. I make the assertion deliberately—I repeat it, and I call on any man who hears me, to take down my words; you have not been elected for this purpose—you are appointed to make laws and not legislatures—you are appointed to act under the constitution, not to alter it—you are appointed to exercise the functions of legislators and not to transfer them—and if you do so your act is a dissolution of the government—you resolve society into its original elements and no man in the land is bound to obey you. Sir, I state doctrines which are not merely founded in the immutable laws of justice and of truth.—I state not merely the opinions of the ablest men who have written on the science of government, but I state the practice of our constitution as settled at the æra of the revolution, and I state the doctrine under which the house of Hanover derives its title to the throne. Has the king a right to transfer his crown? Is he competent to annex it to the crown of Spain or any other country? No—but he may abdicate it; and every man who knows the constitution knows the consequence, the right reverts to the next in succession—if they all abdicate, it reverts to the people. The man who questions this doctrine, in the same breath, must

arraign the sovereign on the throne as an usurper. Are you competent to transfer your legislative rights to the French council of five hundred? Are you competent to transfer them to the British parliament? I answer, no. When you transfer you abdicate, and the great original trust results to the people from whom it issued.—Yourselves you may extinguish, but parliament you cannot extinguish—it is enthroned in the hearts of the people—it is enshrined in the sanctuary of the constitution—it is immortal as the island which it protects—as well might the frantic suicide hope that the act which destroys his miserable body should extinguish his eternal soul.—Again, I therefore warn you, do not dare to lay your hands on the constitution; it is above your power. Sir, I do not say that the parliament and the people, by mutual consent and co-operation, may not change the form of the constitution. Whenever such a case arises it must be decided on its own merits—but that is not this case. If government considers this a season peculiarly fitted for experiments on the constitution, they may call on the people. I ask you are you ready to do so? Are you ready to abide the event of such an appeal? What is it you must, in that event, submit to the people? Not this particular project, for if you dissolve the present form of government, they become free to choose any other—you fling them to the fury of the tempest—you must call on them to unhouse themselves of the established constitution, and to fashion to themselves another. I ask again, is this the time for an experiment of that nature? Thank God, the people have manifested no such wish—so far as they have spoken, their voice is decidedly against this daring innovation.—You know that no voice has been uttered in its favour, and you cannot be infatuated enough to take confidence from the silence which prevails in some parts of the kingdom—if you know how to appreciate that silence it is more formidable than the

most clamourous opposition—you may be rived and shivered by the lightening before you hear the peal of the thunder! But, sir, we are told that we should discuss this question with calmness and composure.—I am called on to surrender my birth right and my honour, and I am told I should be calm and should be composed. National pride! Independence of our country! These, we are told by the minister, are only vulgar topics fitted but for the meridian of the mob, but unworthy to be mentioned to such an enlightened assembly as this; they are trinkets and gewgaws fit to catch the fancy of childish and unthinking people like you, sir, or like your predecessor in that chair, but utterly unworthy the consideration of this house, or of the matured understanding of the noble lord who condescends to instruct it! Gracious God! We see a Perry re-ascending from the tomb and raising his awful voice to warn us against the surrender of our freedom, and we see that the proud and virtuous feelings which warm the breast of that aged and venerable man, are only calculated to excite the contempt of this young philosopher who has been transplanted from the nursery to the cabinet to outrage the feelings and understanding of the country.

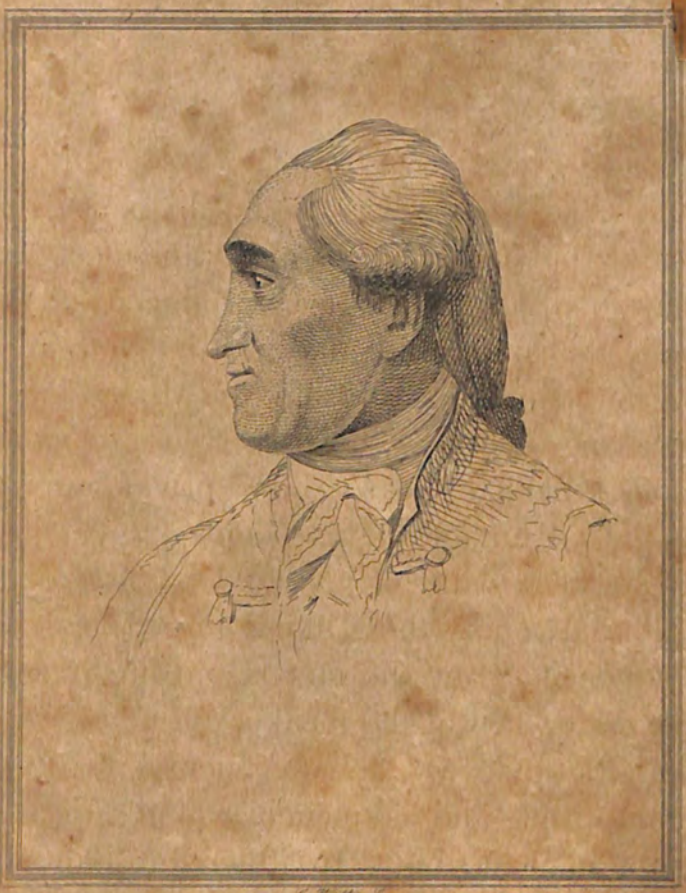
Denunciation against the Men and the Means by which the Union was perpetrated.

LET me again ask you, how was the rebellion of 1798 put down? By the zeal and loyalty of the gentlemen of Ireland rallying round—what? a reed shaken by the winds, a wretched apology for a minister who neither knew how to give or where to seek protection! No—but round the laws

and constitution and independence of the country. What were the affections and motives that called us into action? To protect our families, our properties, and our liberties.—What were the antipathies by which we were excited? Our abhorrence of French principles and French ambition.—What was it to us that France was a republic?—I rather rejoiced when I saw the ancient despotism of France put down. What was it to us that she dethroned her monarch? I admired the virtues and wept for the sufferings of the man, but as a nation it affected us not. The reason I took up arms, and am ready still to bear them against France, is because she intruded herself upon our domestic concerns—because, with the rights of man and the love of freedom on her tongue, I see that she has the lust of dominion in her heart—because wherever she has placed her foot, she has erected her throne, and that to be her friend or her ally is to be her tributary or her slave. Let me ask, is the present conduct of the British minister calculated to augment or to transfer that antipathy? No, sir, I will be bold to say, that licentious and impious France, in all the unrestrained excesses which anarchy and atheism have given birth to, has not committed a more insidious act against her enemy than is now attempted by her professed champion of civilized Europe against a friend and an ally in the hour of her calamity and distress—at a moment when our country is filled with British troops—when the loyal men of Ireland are fatigued with their exertions to put down rebellion—efforts in which they had succeeded before these troops arrived—whilst our Habeas Corpus Act is suspended—Whilst trials by court martial are carrying on in many parts of the kingdom—whilst the people are taught to think that they have no right to meet or to deliberate, and whilst the great body of them are so palsied by their fears, and worn down by their exertions, that even the vital question is scarcely able

to rouse them from their lethargy—at the moment when we are distracted by domestic dissentions—*dissentions artfully kept alive* as the pretext for our present subjugation and the instrument of our future thaldrom!! Sir, I thank administration for this measure. They are, without intending it, putting an end to our dissentions—through this black cloud which they have collected over us, I see the light breaking in upon this unfortunate country. They have composed our dissentions—not by fomenting the embers of a lingering and subdued rebellion—not by hallooing the Protestant against the Catholic and the Catholic against the Protestant—not by committing the north against the south—not by inconsistent appeals to local or to party prejudices—no—but by the avowal of this atrocious conspiracy against the liberties of Ireland, they have subdued every petty and subordinate distinction. They have united every rank and description of men by the pressure of this grand and momentous subject, and I tell them that they will see every honest and independent man in Ireland rally round her constitution and merge every other consideration in his opposition to this ungenerous and odious measure. For my own part, I will resist it to the last gasp of my existence and with the last drop of my blood, and when I feel the hour of my dissolution approaching, I will, like the father of Hannibal, take my children to the altar and swear them to eternal hostility against the invaders of their country's freedom.—Sir, I shall not detain you by pursuing this question through the topics which it so abundantly offers.—I should be proud to think my name might be handed down to posterity in the same roll with these disinterested patriots who have successfully resisted the enemies of their country—successfully I trust it will be—in all events I have my "exceeding great reward" —I shall bear in my heart the consciousness of having done my duty, and in the hour of death I shall not be haunted by

the reflection of having basely sold or meanly abandoned the liberties of my native land. Can every man who gives his vote on the other side this night lay his hand upon his heart and make the same declaration? *I hope so*—it will be well for his own peace—the indignation and abhorrence of his countrymen will not accompany him through life, and the curses of his children will not follow him to his grave.



Right Hon.ble Henry Flood

MR. FLOOD.

HENRY FLOOD was universally considered by his contemporaries as one of the most eminent men that Ireland ever produced. "The best, the most able, the most indefatigable, the most sincere man, (said Mr. Montgomery, speaking of him in the Irish House of Commons,) that had ever sacrificed private interest to the advantage of his country." I regret much, that with all my anxiety, I am not able to give any thing like a just idea of his eloquence. But the fact is, no single effort can do it—he was the speaker of *every night*—bringing to every debate, energy, learning, promptitude and eloquence, which appeared quite inexhaustible. It is therefore unfair to think of him as of one who on *such an occasion* made an eloquent speech, but as of one who on all occasions, and he avoided none, brought to the debate talents equally powerful. He was transferred late in life to the

British House, but he seldom spoke and then but feebly, in comparison of his great fame, owing, as his friends have told me, to a complication of maladies which began to prey on him and afterwards proved fatal. The speeches which I give of his, exhibit wonderful powers of reasoning, and certainly could never have been the production of an ordinary intellect, but still they convey a very inadequate idea of their great author. They were known at the time, by the name of his *renunciation speeches*, and it may not be amiss here to give an hasty sketch of the circumstances in which they originated. The English parliament had long assumed and exercised the power of making laws binding on Ireland. About the time of the Revolution the right to exercise this power was controverted by Mr. W. Molyneux, the friend of Locke, in a small tract which the English Parliament ordered to be burnt. The Irish continued to obey the English laws thus made. In the sixth year of the reign of George the First, the British parliament passed an Act declaring that it had, hath, and of right ought to have the power of making laws binding on Ireland. This right was publicly

denied in the Irish House of Commons by Mr. Grattan in the year 1782, and he was supported in this opinion by Mr. FLOOD and by most of the principal speakers of that time. Their opinion spread through the island. No jury would take the English acts into their consideration. The judges declined even adverting to them in their charges. At this time the administration in England was changed. The Duke of Portland was made Lord-Lieutenant, and ordered to recommend the Irish Parliament to take into their consideration, the discontents which prevailed among the people, in order to have such a final adjustment as might give mutual satisfaction to both kingdoms. Mr. Grattan then moved an address to the king, stating that they had seen with concern certain claims advanced by the parliament of Great Britain in an act passed in the 6th year of George III. entitled, "An act for the better securing the dependency of Ireland," which act, and the claims it advances, were the principal cause of the discontents. The British parliament, in consequence, repealed this act. Mr. FLOOD insisted in the following speeches that the *mere repeal* of this act was not sufficient, it

being only declaratory of what the law was supposed to be before its enactment, and that therefore the repeal should be accompanied by a renunciation of the alleged right. Such is a simple elucidation of the subject of the following speeches, which Mr. Flood has certainly treated in a masterly manner. They combine the logic of a lawyer, the eloquence of an orator, and the sagacity of a statesman. It is by no means improbable that in this very discussion the British minister became first impressed with the necessity of annihilating, quocunque modo, the assembly in which it originated. Mr. Flood did not live, happily for himself, to see the political degradation of his country.

IRISH ELOQUENCE.

First Renunciation Speech of Mr. Flood.

NOTHING ever was more judicious than the conduct of Great Britain on this occasion. She was so embarrassed abroad, and you were so strong at home, that she could not deny the repeal of the declaratory law. Yet it must ever be her wish to retain the principle of it, because it is the principle of power, which no nation has ever relinquished while it could maintain it. What then has she done? By seeming to yield unconditionally to you, she seized on the generous credulity of your nature, and took full advantage of a change in her own administration. Her first step was bold, in order to strike your imaginations with something that seemed to be decisive. She resolved that the declaratory law ought to be repealed: she did not say, however, that it ought to be repealed, as having been a false and erroneous declaration of law; far from it; not a man in the British parliament held such an idea: the very mover and seconder of the resolution said the contrary. I mention them both with honour; I mention the ministry, the parliament, and the people of Great Britain, with all honour. I lament, but cannot blame their sentiment on this subject. They declared the constitutional right of the British parliament to make laws for every part of the empire; one of them said externally;

and the other both externally and internally. One said the repeal must be accompanied by a final adjustment, and the other that the law could only be repealed on a principle of compact.

Now this is so far from a renunciation, that it is the very contrary, and a repeal without a renunciation leaves you in effect only where you were. It is a first principle of law, that a declaratory act only declares the law to be what it was before; that is to say, that it only declares, and that it does not alter the law.—What follows? That as making a declaratory act does not alter law, so neither can the mere unmaking of such an act alter law. Or in other words it follows, that if a declaratory act is not pronounced to have been an erroneous declaration of law, the bare repeal of it can do no other than leave the law in that state in which the declaratory act did declare it to have been before such declaratory act passed. An enacting statute alters the law when it is made, and consequently when it is repealed it alters the law; that is to say, its enaction makes law, and therefore its repeal unmakes law. Inconsiderate people confound this idea of an enacting, with that of a declaratory act, and are imposed on to believe that the repeal of a declaratory act, unmakes and alters the law, in like manner as the repeal of an enacting statute does; but this is utterly false. The repeal of a declaratory law (unless it contains a renunciation of the principle) is only a repeal of the declaration, and not of the legal principle.—The principle remains behind in full force, unless it be renounced. This is universally true, and it is strengthened in this case by this circumstance. Many acts have been made by the British parliament binding Ireland, some of them before the declaratory law of George the first. Now whilst one of these remains, there is an exercise and a proof of the right, stronger by much than the declaratory law. A simple repeal, therefore, of the declara-

tory law, is no vindication of your legislature. But it is argued, that because in your first address you declare that the British parliament has no such right, therefore the repeal joined to this, will be equal to a renunciation by England. But what man in his senses can believe that our renunciation of the British claim can be equal to her own renunciation of it? Or that in any controversy, an assertion of a party in his own favour, is equal to the admission of his antagonist? If Britain renounces it, no other power on earth can pretend to maintain it. But if all the rest of the world were to deny her pretension, yet as long as she maintains it, our rights are unvindicated, and our constitution is in danger. Will any man say, that if I ask a thing on a particular principle, that therefore if I obtain it at all, it must follow that I obtain it on my own principle? There is no such inference in law, in logic, or in reason; it would only appear that the two parliaments had agreed in one point, that of the bare repeal, but it never would appear without an express renunciation, that they agreed in the renunciation also, and we knew the fact to be, that they do not agree with us in that principle. But to put this argument to a decisive proof, let us suppose that after such a simple repeal, that at a future day the British parliament should revive the principle, and make a law for us. Suppose that Ireland should remonstrate on this—suppose she should read that paragraph of her address, and quote the British repeal of the declaratory law, and should argue from both, that England had for ever renounced her claim, do you think that England would listen to such an inference, or that any reasoner in Europe would allow the force of the argument? Would she allow you to piece your address to her act of parliament? If you questioned her declaratory act, would she not question your declaratory address? Would she not appeal to the language held by her own members?

Would she not appeal to words upon your journals? Would she not appeal to the silence of her law of repeal, and to your acquiescence under that silence? Would she not say that that was virtually a national relinquishment of any idea of renunciation, so that the principle remained not only unrenounced, but the equity of it impliedly admitted by Ireland, at a moment when she was the ablest to contest it?

But I shall be asked (though the repeal of the declaratory law should be simple and imperfect) whether I think that England will ever revive the claim? I answer, I cannot be certain that she will, neither can I be certain that she will not; and I ask in return, whether any man will be surety that she will not; and if any man is weak enough to say that he will be so, I will tell him that this nation will not be weak enough to accept of his surety, (no mortal is adequate to such a business.), I add, that England either has or has not a possible notion of such a revival; if she has not, she will not quarrel about renouncing it; and if she has, the renunciation is absolutely necessary. I add, that if she does not renounce the claim, she certainly may revive it; but that if she does renounce it, she certainly cannot revive it. Yes, you will say, for she might even repeal an act of renunciation; and to argue every thing fairly, I will admit that in the utmost range of possibility such an outrage is not unimaginable; but what do I infer? Not that I should be the more negligent, but that I ought to be the more careful; that it is my duty to make it impossible if I can; and if I cannot do so, that it is my duty to make it next to impossible. It is absurd to say, because I cannot make a thing physically impracticable, that therefore I should leave it morally easy; but it is good sense to say, that I will make a thing as difficult as I can, though I cannot make it as difficult as I would, and that if I cannot make a thing impossible, I will make it next to impossible.

Indeed, on what principle did we enter into this business? It was not surely on the silly notion of getting the force or the good will of England to act on our side, and against herself in this question. That was impossible. What then was our pursuit? To obtain the utmost security that law could give; certain, that if at such a time of extremity, we did not obtain it, we never should be able to obtain it; we had but an alternative; either to rely on the liberality of England, and then to suffer her declaratory-law to remain, as a thing impotent and never to be exercised; or in a matter of such stupendous consequence, we were to say, that we would not trust the generosity even of Great Britain, but that we would have solid and legal security. The latter is certainly the strongest, and the most rational dependance; but though the former be weaker, it is better than neither. Now, in desiring even the repeal of the declaratory-law, you forfeit the liberality of England, because you do not confide in it; and if you do not carry the matter on until you obtain legal security, you in effect relinquish both. That is to say, you do the very worst thing the case is capable of, so that it would be difficult to say whether your attempt was the most glorious, or the conduct of it the most inadequate and disgraceful. But the pride of England will be hurt. I should be sorry for it; either however her pride is contrasted to our security, or it is not; if it is not, our effectuating our security will not hurt her pride; and if it is contrasted to us, we must chuse one of two things, either to hurt her pride in order to obtain our security, or to relinquish our security in order not to hurt her pride; but if there be a pride on one side, there is a pride also on the other; if there be a pride of England, there is a pride of Ireland too. Now I ask which ought to give way, for one must, and I answer impartially, that which has the worst foundation. Now which is that? The pride of England in this case, is the pride of wrong, and the

pride of usurpation. The pride of Ireland is the pride of right, the pride of justice, the pride of constitution. I will not ask you, after that, which ought to give way; but it is wrong to put this question principally upon pride. England it is true, has a pride in the matter, but she has what she values more, a principle of power. Ireland too, has a pride in the matter, but she has what she ought to value much more, a principle of permanent security. Now that nation will be the wisest in this transaction, that sacrifices her least object, to preserve her greatest, and England will do this precisely, if she can prevail on you to accept of a simple repeal without a renunciation; for in that case she will sacrifice a little pride to preserve all her power; whereas you will, for a petty sacrifice to your pride, forfeit all your security. But a confidence in the present administration ought to stop us. I deny it, not that I mean to deny or diminish any one of their virtues; I will allow them to have as much ability, power, popularity, and patriotism, as any of their predecessors: to fortify my argument, I will suppose them to have more of every excellence than all their predecessors together, and what do I say then? I ask, are the wisest, and greatest men of Ireland, the men that would soonest relinquish what they thought to be the rights and dignities of Ireland? Certainly not. Are then the wisest, honestest, and greatest men of England, the likeliest to relinquish what they think the rights and dignities of England? Certainly not—either then the ministry are such men as I have been describing, or they are not; if they are not such men, they do not deserve our peculiar confidence in any thing; and if they are such men, they cannot deserve our peculiar confidence in this point, unless their principle and conviction be on our side. Now we know it to be decidedly against us. Why does any country wish for a strong administration, I ask? Because it makes the country strong.—

Now was it from the strength of England that we have gained our advantages, or from her weakness? From her weakness undoubtedly. How then do we argue? The great strength of administration gives great strength to England, but the great strength of England in this case is the weakness of Ireland; and yet the strength of administration is her security—these things are impossible.

This brings me to what fell from Mr. Fox—he said, the measure of the repeal could not stand alone, but must be accompanied by a final adjustment, and by a solid basis of permanent connexion between these kingdoms; he said, that some plan of this sort would come from the servants of the crown in Ireland to the Irish parliament, that when the result of parliament was known, a treaty might be begun, if necessary; if a treaty should proceed, then it would be to be ratified by the two parliaments, and finally to be completed by irrevocable acts of the respective legislatures.—Now, I say, if we are to negociate at present, we are to depart from our original principles; it is not five weeks ago that we all declared that we had made this as a peremptory demand, and that we had nothing in it to negociate; were we now to begin to negociate, we should negociate after great advantages had been obtained against us; for instance, we were desired to specify our wrongs that they might be redressed; we did so, and as we specified for redress, we made our specification as narrow as possible, in order to facilitate redress; but had we specified with a view to negociation, we must have made our specification as broad as possible, in order to have the greater advantage in negociation. Our second address is another advantage gained against us, that is represented even here, and still more will it be held in England to be a repeated restriction on the requisitions of this country. What follows? That if we were to negociate now, we must negociate all on one side, bound

up not to make demands, and open only to make concessions. Now a negociation in which one may give every thing and gain nothing, may be called a negociation by some men, but by most men it will be called folly; in this too we are to propose, though this proposition is to be against ourselves, and we are to propose this through the servants of the crown, which is still more against us. Now the servants of the crown will not propose terms for England, till our parliament is properly prepared for the subject, and we know what that means. If the servants of the crown and the parliament cannot be got to go far enough for England, then a treaty is to be begun, in which England will have advantage as to matter, and command as to time. In the stage of ratification she will have more, and in that of completion and consummation still greater advantages in all of these stages; all the cabinet and parliamentary councils of England will be unanimous on one side, viz. that of England. But the cabinet and parliamentary councils of Ireland will not be unanimous in favour of Ireland, but will in general have a decided majority in favour of England. What equity can there be in such a result? Here are five stages marked out by Mr. Fox, in each of which there may be a final difference of sentiment, and in each of which there may be a necessity for some, and an opportunity for greater delay, without any management; this must be dilatory, and with a little dexterity it can easily be spun out to a piece. Now I ask you, what it is that has given you every thing, is it not time? And as time has given you every thing, reflect that time may also take every thing away from you; but time is not necessary, negociation alone is sufficient to undo you; you were not born to be negociators; the negociator is a dark, austere, inexorable character; you are soft, open, and persuadable; you have not the detailed knowledge, the systematical procrastination, the suspicious reserve, or the

frigid perseverance of a negociator. When have you negociated that you have not lost? You negociated at the restoration, you negociated at the revolution, you negociated at the augmentation of your army, you negociated your free trade, you negociated the mutiny bill. When have you demanded that you have not succeeded, and when have you negociated that you have not been deceived?

There never was a time which required more consideration than the present; the national exertion began in the last year of lord Buckingham's administration, it is now drawing to a period, and whether that shall be glorious or otherwise depends on your wisdom: a short view of what we have done, will be a guide to what we should do; we have groaned for a century under an encreasing usurpation; the American war broke out, and whilst we were called upon to shed our blood for Great Britain, we were insulted with the application of that principle to Ireland which had revolted America; our feelings were exasperated by the application, and our trade was ruined by the war; we saw ourselves beggars in fact, and slaves in assertion. The merchants flew to a non-importation, agreement, &c. the people flew to arms! Amidst this perturbation parliament assembled, and we amended our address by the demand of a free constitution, that is of an exclusive legislature, on which all freedom of trade must depend—and therefore it was, that I did originally differ with some gentlemen, for I asserted that they had not obtained that freedom of trade of which they had boasted, because they had not obtained that freedom of parliamentary constitution, without which a freedom of trade could not exist. We received from England a dilatory answer. We shortened our money grants to the crown—we shortened them to the subject.* And the Irish public

* The Irish parliament on that occasion, passed the money bills only for six months.

creditors, to their immortal honour, embarked so fully with the rights of the nation, as chearfully to accept of a six months security. This rapid succession of sober and consistent efforts struck like lightning on the ministry and parliament of England, all obstacles gave way, our demand was to be granted in all its plenitude, all the British statutes restrictive of our foreign commerce, were to be repealed, and on that constitutional principle on which alone it would be welcome—a principle, which in that early period of this question, I took the first opportunity to lay down in clear, unambiguous, and categorical terms. What was that principle? That, having a parliament of our own, our foreign trade was necessarily free, and subject to no restrictions as to our ports, but such as our parliament might impose.—This principle, we were told, was admitted by England, as to our foreign trade, and pleaded by her in return, as to her own ports, and those of her own colonies.—She admitted the principle which we claimed, and she said she would open to us her colony ports, on equal regulation of trade. The tidings of this emancipation, as it was idly called, landed in Ireland. The post office was illuminated by an emissary of the castle; the college took fire in the next instance by an unhappy contagion, and the city caught the flame in a regular and sympathetic succession. All sober consideration was lost in an ignorant clamour, and the steady pulse of the public yielded to a fever of exultation. What was the consequence? England saw that we were surprized at our success—saw that we had asked more than we expected—concluded we would accept of infinitely less—and determined that should be as little as she could. First, then, she determined, not to repeal all her laws restrictive of our foreign commerce, yet, whilst an atom of such restriction remains, the total impeachment of your constitution remains; when, therefore, an artful resolution was prepared

for this house, on that occasion, expressive of satisfaction in that enlargment of our *foreign* trade, I exclaimed against *that word*. If you thank the British parliament, I said, for the enlargement of your foreign trade, you admit she can restrain it; if you admit she can restrain it, you admit her legislative authority; that is, you gain little in commerce, and you lose every thing in constitution. I objected to the word *foreign*, therefore, it belies Ireland, and it deceives Great Britain. The independent gentlemen of the day, however, did not feel, did not take up the principle, yet, though they did not take it up that day, they have felt it since; and though the word was universally admitted then, there is not a man in the nation that would not reject it now. Such was the first of this business. Let us see how much more worse we made it in the progress of negociation. The language of England was the language of common sense. Ireland must have equal regulations of trade, she said, but equal taxes on home consumption she did not say; equal regulations of trade may subsist between a poor country and a rich one, but equal taxes on consumption cannot. Now what has your negociation made of it? You have made your arrangement a tax-law in part, which ought to have been a trade-law in the whole; that is to say, instead of a regulation in trade, you made it a regulation against trade, and a caustic regulation too. What regulation, indeed, can be much more adversary to trade, than a heavy tax on a raw material imported for the purpose of trade, and for the end of manufacture. So pernicious are such taxes, that the ministers in England, whose profusion has brought them to that country, have endeavoured to extenuate their malignity by two regulations; to console the manufacturer, they tell him that they will open to him the foreign market, by giving him a drawback on his manufactures exported, equal to the tax on the imported material. And they tell him besides, that they will shut up from him

the home market, and give him a monopoly of it. How?—By laying a prohibitory duty on the manufacture imported from abroad; and what have they done as to manufactured sugars? They have laid a prohibitory duty upon them when imported into England from any other part of the world, Ireland even not excepted. What have we done? We have laid the same prohibitory duty on manufactured sugars imported into Ireland from any other part of the world; but we have excepted England, whereas she did not except Ireland. Now, there was much more reason for our excepting England, than there was for her excepting Ireland; and why; because Ireland could never, by any possibility, be a rival in sugars to England in the English market, but England is actually a very formidable rival to Ireland in the Irish market. What is the fact? The Irish manufacturer of sugars has but one rival in the world, and that is the English manufacturer of them? And what have we done? We have given him the fullest security against all those that are not his rivals. And we have not given it to him against the only manufacturers that are his rivals; we have given him perfect protection where he is in no danger, and we have not given it to him where he is in all danger. We have done worse by him, we have not only given him as much security against his only rivals, as against those who are not at all his rivals; but we have not left him as much security against his only rivals as he always had before; that is to say, the duty on the imported manufacture now bears a less proportion than ever it did before to the duty on the imported raw materials. By consequence his peril is greater, as his protection is less; and his security being diminished, his danger is enhanced. But this is not all; you have not done for him what England originally pointed out to you in his favour: she proposed equality as the principle of your regulation of trade; we adopted it religiously in that part to

which it was not applicable, and, where it was pernicious, I mean in the tax part; and we only deserted it in the trade part, where alone it was applicable, and where alone it was beneficial. Such was the spirit in which we negociated our free trade; let us take care how we negociate our free constitution: but the error of that arrangement does not stop here. Its first principle was erroneous; it set out with this maxim—That you were to pay for this as if it were an enlargement, and that you were to pay for it in tax, as if you had not paid it otherwise before. But what is the truth? The sugars of Spain, Portugal, and France, would supply your manufactures, as well as the Bristish West Indian islands, and generally better; if, whilst you retained those markets, England had opened her colony ports too, this would have been a new market, which is always an advantage to the buyer. But what is the case now? You are suffered to go to the colony market of England, which is the English market in effect, and which is therefore her advantage; but, you give up this for all other, and some better markets, which is your advantage. Instead of its being an enlargement, therefore, this is more properly a restriction; and instead of England's granting you a boon in this matter, it is you that gave her a monoply. Now, a monopoly is so much against the giver, and so much in favour of the obtainer of it, that no nation in its senses ever gives it to another.—And if a part of an empire gives it to the head, it cannot be on a principle of trade, because a principle of trade is a principle of gain, whereas this is a principle of loss. On what principle alone can it be given? On a principle of empire. That is to say, in other words, it is a tax or a tribute, and that of the heaviest nature; but, if you were to pay for it in taxes, besides paying for it by monopoly, it would be absurd to pay for it more than it was worth. Now take the whole West India commerce, take the utmost proportion of

that commerce that could ever fall to your lot, take the utmost proportion of clear profit that can be supposed to accrue from that quantity of trade, and then take the utmost proportion of what clear profit that can be afforded to revenue, and I say it would never amount to that sum which you have agreed to pay on the instant for the contingency of this direct trade, with this additional absurdity, that if you should not be able to establish it, these additional duties will be equally payable upon your old circuitous trade, which before was free from them. Will you trust negociation again? This arrangement cannot be justified on any commercial principle. Was any constitutional advantage obtained by it? Far from it: the very principle of the arrangement is hostile to the constitution; it gives to the British parliament a virtual power of taxing you; for what is the principle of it? That when England taxes a colony produce, you must tax it equally or give up the trade. Thus this arrangement leaves both your trade and your money at the mercy of the ministry and parliament of England. Combine this with another law of the same period, the mutiny bill, therefore, and see what the result of both is. You complained that the British parliament should make even a twelve-months law for your army; and what did you do to remedy it? You made an act, that she should do it for ever. The two greatest powers in the management of human concerns, are the power of the purse, and the power of the sword. You did by these two laws, for so much delegate away both of these great powers from yourselves to the British parliament; that is to say, in the very moment that you talked of recovering your own authority, and denying that of the British legislature, you did every thing you could to strengthen the power of that parliament which you meant to overthrow, and to weaken the power of that parliament which you meant to establish. I do not speak these things in order to say what is disagreeable to any

man living, much less to say any thing disagreeable to that body, in defence of whose privileges I have lived these two and twenty years, and in defence of whose privileges I will die. I speak them from a deep conviction of their necessity. You see how you have been negociated out of every thing, and how dangerous it is to negociate again. You see how dangerous it is to exult too soon, or to imagine that any thing of this kind is done, while any thing remains undone. You see what a miserable end was made of Lord Buckingham's last session of parliament, though it began with so much splendour; and as a part of this session has trod the steps of its glory, I would warn the conclusion of it against the steps of its decline. To put a stop, therefore, to the danger of negociation, and to accelerate the safety of an immediate repeal, and of a final renunciation, I move the resolution I have before stated to you.

Second Renunciation Speech of Mr. Flood.

[*After the debate in which the preceding speech was delivered, an act was passed by the British Parliament to allow the importation of sugars from St. Christopher's, &c. into* any of the ports of his Majesty's dominions. *This expression was supposed to include* Ireland, *which renewed the previous argument and occasioned this second speech from Mr. Flood, in support and reiteration of his former opinions.*]

THE honourable gentleman says, that giving up the final judicature is a decisive proof of sincerity in the British parliament, because, it cannot be supposed, that our final ju-

dicature would carry British laws into execution; but how far does this reasoning go? It shews, indeed, that they think the spirit of this country is so unanimous on this subject at present, as that nobody will appeal to their judicature; or that if any person should appeal, that the decree would be resisted and baffled in the execution of it. They therefore very wisely determine to give up what it is impossible to retain; but though this may extend (as long as the present spirit continues) to *internal* final judicature, and to *internal* legislation, yet it does not at all extend to external legislation, or to the final judicature proper to that species of legislation. Now, what is external legislation? It is that species of legislation which Mr. Fox expressly specifies and asserts, and which not one British member controverted; that is, in other words, it is the whole of commercial and marine legislation. Now what is the final judicature in that? It is the British fleet. Witness what happened in this kingdom the other day. The spirit of the country was such, that the commissioners dared not refuse a clearance to a vessel, though freighted with goods prohibited by British acts of parliament; but though the vessel had her clearance, she could not sail; and why? Because the Stag frigate was in the bay, ready to seize and to confiscate. The honourable gentleman knows the story to be true, and has quoted the fact himself within these walls. Now, this maritime or external legislation, and this final judicature of the Stag frigate, is a thing which nothing can reach but a formal renunciation of the right on the part of Great Britain. Is this a situation in which an able general would leave an army; or in which a wise patriot will leave his country? Certainly not. The honourable member has said, the royal word is as firm as a parliamentary renunciation. Does not the honourable gentleman know that the words of the king are the words of the minister, in all constitutional and parliamentary considera-

tion. How often, in his short experience, has he known that security fail? Did it give us a judge's bill in Lord Townshend's time? Did it keep twelve thousand men in the kingdom ever since? Has it secured œconomy to us, so often promised, and not yet arrived? I will not multiply instances. Now these are cases where the most express words were used in the speech from the throne, which is the speech of the minister, and not of the king. In this case, is there any express mention of renunciation? No such thing. Now, if express words have failed, why may not words fail that are not express? Again I ask, will any man pretend to affirm, that the declaration of the king can be equal in force to an act of legislature? No man in his senses can believe it to be so. In the American question what was the doctrine? That if the king wished it ever so much, yet it was not in his power to give up the power of the British parliament. Did the king ever attempt to make the smallest relaxation, without an act of legislature to authorize it? I ask the honourable member, whether the king, by a declaration to the British parliament, could give up any of the rights or pretensions of the Irish legislature? I am sure he will answer, No. Then, by what rule, I ask, can any declaration of the king to us, give up or cancel any pretension of the British parliament? What authority on earth can be so perfectly adequate to it, as that of the parliament of Great Britain itself? But the honourable member would not accept a great charter, he says, from the British parliament, so jealous he is of its authority; nor would I, provided it contained an assertion of its legislature over us, because that would be nominally a great charter, but really a defeazance and a cancelment of our constitution. Now this is impliedly the case in an act merely and simply of repeal; but if it contained a renunciation of all such authority, I would accept of it, because then it would indeed be a great charter; for

what was the great charter of our early kings to their subjects? Was it not, in fact, a renunciation of the usurpations of those kings, and nothing more? It was not a donation, but a mere recognition of the rights of the subject; which recognition became necessary only in consequence of regal usurpations. Now I ask, did those kings, or any other part of mankind, ever think that renouncing those usurpations, they re-establish them? No man was ever so frantic as to suppose it. How then could a parallel renunciation by the British parliament have any tendency to legalize its usurpation? I will venture to say that a renunciation of all right is the last method that the British parliament will think of taking by way of establishing her authority over Ireland.—And why? Because it is the most effectual method on earth of defeating it: The sound of an English act of parliament ought not to frighten us out of the sense of it. If the sound of it could be destructive to us, an act of repeal would be as noxious as an act of renunciation; and if the sense of it can be salutary, it is by its being an act of renunciation; any other act may be an exercise of legislation over us, but an act of renunciation cannot be so.

The honourable member said, that I had thought on a particular subject till it had become my weakness; may not the remark become applicable to himself? For surely if his zeal on this subject had not outgone even his judgment, great as that is, he would not use arguments on this occasion, which on any other he would reprobate from the lips of any servant of the crown; he would not call a British act of parliament *including* Ireland, a clerical error; he would not say that a speech from the throne is equal to an act of parliament; that a British act of repeal is a safe exertion of her power towards us, but that an act of renunciation would not be so; he would not say that a renunciation would be a better security, and yet that a repeal is sufficient, in a case

where no security can be too great, and in which scarce any is adequate; he would not say that good faith is equal to legal security; or that legal security, with the addition of good faith, is not better than the latter is alone.

It is not pleasant to me to differ with the honourable member, but in this case it is unavoidable; it is one of those cases in which I feel myself impelled by so strong a duty, that nothing personal either to myself or to others can controul me; and I feel it the more my duty to speak out on this occasion, because I have never ceased to repent my having not done so in lord Buckingham's administration, with respect to the word *foreign*, which was then inserted in our resolutions; I will not say with evil design, but certainly with evil example. I differed with the honourable member, and others whom I much respected, with regard to that expression. I disapproved of it in the strongest terms in private conference; they did not perhaps approve, but they did not disapprove of it, and therefore it passed without notice. Since, however, it has been felt, and the objection which the honourable member has this day made to the British act, which he has quoted, is, that it seems to assume a power over our *foreign* trade. Now this is the very principle on which I objected then to the word *foreign*, though I was not at that time supported in it; with this omen, therefore, that I may sometimes differ with the honourable member, and not be always in an error, I go on. The hon. member says, that we have the faith of nations to depend on. Now as to the faith of nations, I have this to say, that like every thing else, where it is the best thing that can be had, it is good for that reason; but where it is not the best thing that can be had, it is for the same reason not good: What follows? That it is good between unconnected nations, because there is nothing stronger between them (except force) but it is not good between countries connected by civil go-

vernment, because there is something stronger there, and that is legal security: but what does the faith of nations between unconnected kingdoms amount to, I ask? To what! But a perpetual warfare, and an everlasting appeal to Heaven, as it is called, by a peculiar and a very barbarous profanation. In short, what is a state of dependence on good faith, other than a state of nature, which though not a state of war, is yet so liable to it, that it is to avoid its disorders, that we have yielded to the incumbrances of government. Each of these conditions has some disadvantages: but it would be utterly absurd to retain the disadvantages of both. If we will submit to the insecurity of mere good faith, let us be freed from the burden of government; but if we are to have the burden of government, let us take care to have also its security. Look at England, has she trusted to the good faith of Ireland, that Ireland will never desire any other sovereign, than the monarch that sits upon the British throne? No, she has got a perpetual Irish law to put it out of doubt. Has England trusted to the good faith of Ireland, that our parliament should never pass a law disagreeable or disadvantageous to English government? No, she has got a perpetual Irish law to make it impossible. Does any man think she acted unwisely or illiberally in doing so? No man can think so. How then can it be unwise or illiberal in us to desire a legal security in this point, upon which all other legal security depends? The good faith of Ireland is equal to that of any country in the world; and if her good faith was not a sufficient security to England, with the British superiority of power to support it, how can good faith be a sufficient security to us in our inferiority? When the stamp act was repealed, and the declaratory act passed as to America, America was told that it was a sacrifice to British pride, and that it never would be exercised. But how long was it before it was exercised? Is there a man in England

that would ask America now to be content with the bare repeal of that declaratory law? Then why should he ask it of Ireland? Ireland had a parliamentary constitution, the same as that of England, with an hereditary and ennobled branch of legislature, invested with final judicature, above three hundred years before any colony in America had a name: those colonies have had popular assemblies, it is true, but not parliaments consisting of King, Lords, and Commons, with all the powers belonging to them. The final judicature of America was never to any of the orders of her provincial assemblies, nor to the House of Lords of Great Britain, but to the British Privy Council. Ireland is at this day, as to the legislative claim of the British parliament sunk to a level with the colonies of America; but though she is inargumentatively depressed to that level, where the parallel is injurious to her, she is not lifted up to that level where the parallel would be advantageous. For instance, England says, that constitutionally she has a right to make laws for Ireland, as well as for the American provinces; but when the declaratory law is to be given up as to both, as imple repeal is enough for Ireland, whilst an express and a final renunciation is offered to America. This difference can have no foundation in equity or in reason, it can therefore only be grounded on a difference of situation; that is to say that England is obliged to relinquish more to America than she is compelled to surrender to Ireland, and that neither England nor any other nation ever relinquished any authority they could retain: now I do not blame England for this, because it is the nature of men, but I blame Ireland, if she does not see it, and if she does not know therefore that nothing is relinquished, that is not renounced. I have as great an opinion of the good faith of England as any man, and therefore I wish to have it solemnly pledged. Now a bare repeal, I say, does not pledge her good faith never to exercise the

power, because it is not a renunciation of it; it is therefore that I desire a renunciation. And why? Because a renunciation will, in the first place, give all the legal security that the cause is capable of; and because, in the next place, it will pledge the good faith of Great Britain expressly, and when it is expressly pledged, I shall be ready to confide in it. A positive promise is, in every case in the world, more to be depended on than a constructive one, and the greater the honour of the nation that makes it, the more it is to be confided in, and the more it is to be sought; but a simple repeal is not even a constructive promise. Why is it that in all treaties between unconnected nations, the utmost care is taken to use the most explicit terms? It is not because the most explicit terms may not be violated, but it is because the violation of them is highly dishonourable, and highly dangerous to the state that is guilty of it. If, after the conduct that Ireland has ever held to Great Britain, England should formally renounce her legislative pretension now, and afterwards should attempt to resume it, her own act of parliament would be her condemnation all over Europe; every cabinet on the continent would exclaim against her baseness, and would think themselves authorised to assist the oppressed subjects, whom her own act would prove not to be rebels. Every man on every side, and of every description, equally confesses that a renunciation is necessary. The hon. gentleman himself, and every other man who is content with a simple repeal, profess that they are so, only because they consider a repeal as being a renunciation; now this is unanswerable, a renunciation is certainly a renunciation; nobody can deny that; but a simple repeal may not be so; one therefore is certain, and the other at best is uncertain. Which shall I prefer in a case of this consequence? But this is not all,—a repeal of a declaratory law not only may not be a renunciation of its principle, but I maintain

that it certainly is not so; in this I am so clear, I stake my character with you for common sense upon the subject. In this I am so clear, that my motion shall be an appeal to the nine* judges of Ireland, and if you please, to the twelve judges of England also, upon the point. I have appealed to all the great lawyers in the house, and every one of them has confessed, that a repeal of a declaratory law, is not a renunciation of the legal principle. Two only have attempted this evasion; they say that in this case, there was no colour nor principle of law at the bottom of the act, and that therefore when the act is removed, nothing can remain; now this is very well on one side of the water, but it is totally false on the other: here we say there was no colour nor principle of law at the bottom of that act, but in England they assert the very contrary. In England therefore they will have a right to say, that after the repeal, the principle will remain; what we may say here will not avail to our security, unless England can be got to concur with us. If England indeed will renounce the principle as we do, the repeal may be sufficient; that is to say, a repeal with a renunciation by England will be sufficient; but a repeal without such a renunciation will not be sufficient: it is but three days ago, that the honourable gentlemen thought a repeal inadequate, and therefore declared an intention to bring in a declaratory Irish law, in order to have the great seals of both kingdoms affixed to the recognition of our constitution. What has happened since to render such an intention less necessary? Nothing has been mentioned to diminish the necessity; but some men are found to argue, that our address has bound us to a simple repeal. Now, first I say, that if such an error had been committed in the address, it would be hard

* At this time the Courts of Exchequer, King's Bench, and Common Pleas, in Ireland, had each but three judges.

that the constitution of a great nation should be irrevocably tied to the diction of an individual; but I utterly deny the fact;—I desire the words of the address to be pointed out that mention a simple repeal of that act as adequate to our views; and as no such words can be pointed out, I will mention words in it that prove the contrary. The grievances as to this point stated by the address as necessary to be redressed are, not that act alone, but that act and the claims of it: now the repeal may take away the act, but nothing except a renunciation can take away the claims. The claim is the claim of right, or the legal principle either real or assumed. The simple repeal takes away the declaration only, but leaves behind the claim or legal pretension. I say, therefore, that the address is full to the purpose, and that we misconstrue that address before we can forfeit our constitution; clear, however, as these things are, I will not affirm that a majority will instantly accede to them, but this I know, that majorities can sometimes err, and that majorities can sometimes change their opinion. What was the first feature of this session of parliament? A triumphant majority in support of lord Carlisle, against any redress of our injuries in Portugal.—What followed? The honourable member proposed an alteration of the perpetual mutiny bill. A rank majority opposed him.—I attempted it in another form; a rank majority opposed any reformation of it; it was faction in one, it was disappointed ambition in another; in both it was anything but truth and the constitution. What was the cry of the parasites of the castle? The sugar bill and the mutiny law were such acquisitions to this country, they said, that Ireland had nothing to redress, and that nothing but industry in her people, and gratitude in her parliament, could now become her. Was not this gabble held, and was it not even popular for a time? I brought forward, notwithstanding, a vindication of your privileges against the manifold

perversions of the law of Poynings: and what did I ask for you? Not implicity to adopt the sentiments and words of any individual, but to appoint a committee of yourselves to examine the authorities I had produced in your behalf, that if I had erred in fact, or in inference, you might not be misled; and that if I had not, you might benefit by the proofs, and perpetuate the decaying evidences of your constitution. Yet even such a committee was denied, not to one, but to the parliament and to the nation. The hon. member then brought forward in the form of an address, an assertion of your exclusive legislature; a huge majority opposed the reception of it. I brought it on again by a resolution then simple, that you yourselves were the only representatives of the people; a huge majority refused to affirm it; these reiterated defeats struck like thunder upon the hearts of the people, and in these decided and stupendous majorities, they thought they saw the death of the constitution. A voice from America shouted to liberty, the echo of it caught your people as it passed along the Atlantic, and they renewed the voice 'till it reverberated here. What followed? All the propositions that had been separately reprobated were now collectively adopted; the representatives of the people articulated at length the sense of their constituents. The case of Ireland originally stated by the great Molyneaux, and burned at the revolution by the parliament of England, is not now afraid of the fire; it has risen from that phœnix urn, and with the flames of its cradle it illuminates our isle! What is the result? It is now in your power, and I trust it will be in your wisdom to do final justice to the rights and interests of your country; for me, I hope I have not been peculiarly wanting to them. At an early period of my life, on a question of embargo, in consequence of a proclamation founded on a British act of parliament, I brought the criminal gazette within these walls,

and at your bar I arraigned the delinquent. The House was alarmed, and I withdrew my question, on the proclamation's being withdrawn. If you ask why I did not pursue it to a formal declaration of right? I answer, for I wish to be answerable to you for every part of my life; I answer that the time was not ripe for it. The first spring of the constitution is the elective power of the people, till that was reinforced by limiting the duration of parliaments, little could be done.* The people wanted constitutional privilege; till the fabric of usurpation, founded on the law of Poynings, had been been shaken to its foundation, little could be done; the parliament wanted conscious dignity till the people were armed; every thing could not be done; the nation wanted military power. These were necessary antecedents. The public mind wanted much cultivation. The seed, too, was necessary to be sown, and if I have not been wanting to the preparations of the soil, may I not be permitted to watch over the harvest? To that harvest too, as well as to every other, a prosperous season was necessary, and that season presented itself in the American war.—When, therefore, the honourable member, in the sunshine of that season, and of his own abilities, brought forward, a declaration of rights in lord Buckingham's government, after that administration had amended his proposition for the purpose of defeating it, I stepped forward, in office as I was, and at the hazard of that office, and rescued the principle from the disgrace of a postponement, or from the ruin of rejection. In this session, too, I hope that my humble efforts have not been peculiarly wanting.—In ability I will yield to many, in zeal to none; and, if I have not served the public cause more than many men, this at least I may say, I have sacrificed as much to it. Do you

* Till 1768 the Irish parliaments were for the life of the king. The octennial act then passed.

repent of that sacrifice, if I am asked? I answer no. Who could repent of a sacrifice to truth and honour, to a country that he loves, and to a country that is grateful? Do you repent of it? No. But I should not rejoice in it, if it were only to be attended with a private deprivation, and not to be accompanied by all its gains to my country. I have a peculiar right, therefore, to be solicitous and ardent about the issue of it, and no man shall stop me in my progress.

Were the voice with which I utter this, the last effort of an expiring nature; were the accent which conveys it to you, the breath that was to waft me to that grave to which we all tend, and to which my footsteps rapidly accelerate, I would go on; I would make my exit by a loud demand of your rights; and I call upon the God of truth and liberty who has often favoured you, and who has of late looked down upon you with such a peculiar grace and glory of protection, to continue to you his inspirings—to crown you with the spirit of his completion, and to assist you against the errors of those that are honest, as well as against the machinations of all that are not so.

I will now move you, That the opinion of all the judges be desired on the following question: "Does the repeal of the declaratory act amount, in legal construction, to a repeal or renunciation of the legal principle on which the declaratory act grounded itself?"

FINIS.

1659

TO THE BINDER.

The Binder is requested to cancel the last two pages of signature G; and To place the Portraits before the respective Biographical Notices.

W. Reynolds, Printer, 137, Oxford Street.

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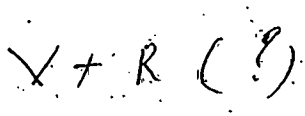

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